URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

AGENDA

PLANNING AND
DEVELOPMENT
COMMITTEE

JAN 1995

URBAN/MUNICIPAL
CA4 ON HBL A05
CSIP4
1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

DEC 23 1994

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee

Wednesday, 1995 January 4
9:30 o'clock a.m.
Room 233, City Hall

Charlene Touzel, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Amendment to the Official Plan and Zoning Application 94-26, Nicola Clarizio, owner, for changes in zoning for Block "1" for a modification to the "C" District; and, Block "2" from "AA" District to "C" District, modified, for lands located at 852 Upper Wentworth Street; Bruleville Neighbourhood

2. Zoning Application 94-27, Gerald Coleman and Robert Coleman, owners, for a change in zoning from "C" District to "HH" District, for lands located at 71 Rymal Road West; Kennedy East Neighbourhood

DIRECTOR OF LOCAL PLANNING/BUILDING COMMISSIONER

3. City Initiative 94-B - Review of Large Vehicles including Recreational Vehicles in Residential Zoning Districts

   (a) Submission - Douglas and Bernice Simmons, 226 Rymal Road West, Hamilton

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

4. Authorization for Staff Attendance at an Ontario Municipal Board Hearing

5. Appeal to the Ontario Municipal Board by Latco (1986) Developments Limited - 85 Robinson Street (Thistle Club); Durand Neighbourhood (report available at meeting)

6. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   Designation of Lister Block - 28-44 James Street North/5-21 King William Street

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
5.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
6.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
7.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
8.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
9.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Report
10.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
11.	Official Plan Review	1994 October 5	Planning	Staff to prepare Terms of Reference including issues to be studied, timing and costs
12.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
13.	Deletion of Public Parking Lots as Permitted Uses in Downtown Area and "CR" Districts	1994 October 5	Planning	Ad-hoc Committee established - Planning Department to work with various interest groups to study proposal

14.	Billiard Halls - Review Planning Approach	1994 November 2	Planning	Planning to report back on planning approach and restrictions to billiard halls
15.	Albion Falls Modified Neighbourhood Plan Review	1994 November 2	Planning	Staff to hold public meeting and report back at 1994 December or 1995 January meeting
16.	Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue	1994 December 7	Public Works and Traffic	Staff to report back on total costs for the reconstruction of the traffic islands

1994 December 14

1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 15
ZAC-94-26
Bruleville Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for an Official Plan Amendment and a change in zoning - 852 Upper Wentworth Street

RECOMMENDATION:

1. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a mixed use commercial/residential building for general offices and a kitchen cabinet showroom and one (1) dwelling unit in a Residential designation, for property located at No. 852 Upper Wentworth Street and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to amended Zoning Application ZAC-94-26, Nicola Clarizio, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified, (Block "2") and a modification to the "C" (Urban Protected Residential, etc) District (Block "1") to permit general offices and a kitchen cabinet showroom on the first and second floor, and one dwelling unit on the second floor for lands located at 852 Upper Wentworth Street, as shown on the attached map marked APPENDIX "A", on the following basis:

   a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

b) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

c) That Block "2" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

d) That the "C" (Urban Protected Residential, etc) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, shown as Blocks "1" and "2", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 9(1), of Zoning By-law No. 6593, the following uses shall be permitted:

A) general offices and a kitchen cabinet showroom on the first and second floor and having a maximum total gross floor area of not more than 95.0m^2;

B) one dwelling unit on the second floor;

C) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the building;

(ii) That Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,

(iii) That a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "1".

e) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18 be notated S - ;

f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;

g) That the proposed changes in zoning will be in conformity with the Official Plan

for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

h) That the approved Bruleville Neighbourhood Plan be amended to change the designation of the lands located at Nos. 852 and 860 Upper Wentworth Street from "Medium Density Apartments" to "Commercial/Residential Conversion" and "Single and Double Housing".

3. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for the following changes in zoning for property at No. 852 Upper Wentworth Street, as shown on the attached map.

Block 1 - Modification to the "C" (Urban Protected Residential, etc) District; and,

Block 2 - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified.

The effect of the by-law is to permit the conversion of the existing single detached dwelling for general offices and a showroom for kitchen cabinets having a maximum gross floor area of 95.0 square meters on the first and second floor, and one dwelling unit on the second floor.

In addition, the By-law provides for the following variances as special requirements:

- permits an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the building;
- requires a minimum 3.0 m wide landscape planting strip along the westerly lot line of Block "1";
- requires a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the westerly lot line of Block "1"; and,
- exempts the requirement that an access driveway be located a minimum of 3.0 m from a residential district.

The proposed Official Plan Amendment establishes a Special Policy Area to permit a mixed use commercial/residential building.

In addition, the amending By-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in the amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting to change the zoning on the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified, (Block "2") and a modification to the "C" (Urban Protected Residential, etc) District (Block "1") for lands located at 852 Upper Wentworth Street, to permit the conversion of an existing building for general offices and showrooms for kitchen cabinets on the first and second floor, and one dwelling unit on the second floor (see APPENDIX "B"). The applicant has amended the application to permit commercial uses on the second floor in order to provide for flexibility in converting the existing dwelling into a mixed use building. In addition, the depth of Block "1" has been increased by 1.5 m. The increase in the depth of the lands to be used for commercial uses is in keeping with the depth of established commercial uses along Upper Wentworth Street and still maintains sufficient lot size to allow for the development of a residential lot with frontage on Fieldway Drive.

- By-law No. 92-305

  City Council, on November 10, 1992, passed By-law No. 92-305, which provided for changes in zoning for the lands located at No. 860 Upper Wentworth Street to allow for the conversion of an existing building for a dental office on the first floor and a residential apartment unit on the second floor.

APPLICANT:

Nicola Clarizio, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 15.20 metres (49.86 feet) on Upper Wentworth Street;
- a depth of 66.44 metres (217.98 feet); and,
- a lot area of approximately 1,010 metres^2 (10,868 sq.ft).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single Detached Dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Single Detached Residential	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Commercial and Residential	"C" (Urban Protected Residential, etc.) District, Modified
to the east	Commercial	"HH" (Restricted Community Shopping and Commercial) District, Modified
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2

A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development, will, subject to the Zoning By-law:

i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council;

ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policy from Subsection A.2.2 - Commercial Uses should be noted:

"A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

In accordance with policy A.2.2.25 limited commercial uses may be permitted in the RESIDENTIAL designation, provided they are intended to serve the daily needs of surrounding residents.

The proposed commercial uses are general offices and/or showroom for kitchen cabinets, which would not serve the immediate residents. As such, the proposal does not comply with the RESIDENTIAL designation.

The proposal conflicts with the general intent of the Official Plan. As such, approval of the application will necessitate an amendment to the Official Plan to establish a new Special Policy Area to permit the general offices and showroom uses on the first and second floor and one dwelling unit on the second floor.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Bruleville Neighbourhood Plan. The proposal does not comply with the approved plan. Approval of the application would require that the Bruleville Neighbourhood Plan be amended to change the designation of the subject lands from "Medium Density Apartments" to "Commercial/Residential Conversion" and "Single and Double Housing". However, as City Council has approved the redevelopment of the lands to the south for a commercial/residential building, the Bruleville Neighbourhood Plan should be amended to change the designation of the lands located at Nos. 852 and 860 Upper Wentworth Street from "Medium Density Apartments" to "Commercial/Residential Conversion", and "Single and Double Housing" for the rear portion of the lands along Fieldway Drive.

COMMENTS RECEIVED:

- The following Agencies have no comment or objection:

  - Regional Planning Branch
  - The Hamilton Region Conservation Authority

- The Building Department advises:

  "1. An order to Comply dated July 15, 1994 and a Property Standards courtesy letter dated June 28, 1994 were issued.

  2. One (1) parking space is required for the dwelling unit.

3. The access driveway must be at least 2.8m wide.

4. The access driveway must be at least 3.0m from the south property line.

5. The parking, loading, manoeuvring and access spaces must be paved and graded.

6. The manoeuvring space must be at least 6.0m."

- The Traffic Department advises:

"The application indicates that the modification in zoning is to permit the establishment of approximately 116 square metres of commercial floor area containing general offices and a show room for kitchen cabinets on the ground floor area and a dwelling unit on the second floor. This proposal exceeds the maximum floor area, 93 square metres, established in the 1988 Land Use Review of Bruleville Neighbourhood for similar properties to the north of the subject lands.

The preliminary plan submitted with the application shows the second floor addition constructed over the access driveway to the parking to the rear of the building. Although the Zoning By-law does not require that loading space be provided for commercial developments having less than 450 square metres of floor area, we anticipate that a kitchen cabinet showroom will require some type of loading facility to accommodate single unit trucks. Therefore, we recommend that the proposed addition be constructed at a sufficient height, 4.3 m, to permit truck access to the rear of the property.

In addition, we recommend that the developer maximize the amount of parking provided on site by providing additional parking in front of the building."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Wentworth Street is 36.58 m. In accordance with this designation, the Region previously acquired the required road widening on Upper Wentworth Street by Instrument No. 152483 C.D. and shown as Part 10 on Reference Plan 62R-5049. Therefore we do not anticipate any further road allowance widenings at this time.

Fieldway Drive now extends north-south to the rear of the subject lands and there is a 1 foot reserve adjacent to Fieldway Drive shown as Part 13 of Reference Plan 62R-11054. The applicant should be advised that all outstanding servicing costs must be paid to the City/Region at such time as development occurs.

According to the Bruleville Neighbourhood plan, these lands are included in Block "B" which is designated for medium density apartments and requires 3.048 m planting strip adjacent to Fieldway Drive. This application does not conform to the intent of the neighbourhood plan and the approval of this application will continue a pattern of individual commercial properties developing each with minimal commercial frontage and individual access. This type of development concept without mutual access, shared rights of ways etc. on major arterial roadways such as Upper Wentworth Street is undesirable. However, the approval of Zoning Application 92-22 for lands at No. 860 Upper Wentworth Street permits a dentist office and the ability to consolidate lands for higher density residential development purposes is somewhat limited. The Planning Department may wish to review this portion of the neighbourhood plan at the Planning and Development Committee. The approval of this application will further encourage the development of single family lots with direct access to Fieldway Drive.

The approval of this application as submitted will likely result in vehicles and delivery trucks backing out onto Upper Wentworth Street which is not desirable. We understand that the Traffic Department will be commenting on these matters.

Should this application be approved, we recommend that the development of these lands should be subject to site plan control."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. If approved, an amendment will be required to establish a new Special Policy Area to permit general offices and showrooms in a Residential designation.

2. The proposal conflicts with the approved Bruleville Neighbourhood Plan. However, the proposal has merit and given that the adjacent lands to the south have been redeveloped as a mixed use dental office and residential unit and a Site Plan has been approved for an apartment building at 864 Upper Wentworth Street, the existing "Medium Density Apartment" designation should be changed. Accordingly, the Bruleville Neighbourhood Plan should be amended to change the designation of the subject lands and 860 Upper Wentworth Street from "Medium Density Apartments" to "Commercial/Residential Conversion", and "Single and Double Housing" for the rear portion of the lands along Fieldway Drive.

   The Bruleville Neighbourhood Plan permits a maximum size of 95 square metres (1,000 square feet) for professional offices or commercial uses generating similar traffic volumes for residential conversions for the lands to the north of the subject lands. As such, it is appropriate for the zoning by-law to establish a maximum gross floor area of 95.0m^2 for general offices and showrooms on the first and second floor.

3. The proposal has merit and can be supported for the following reasons:

   i) the lands to the north of the subject lands are designated "Commercial/Residential Conversion" in the Bruleville Neighbourhood Plan and the dwelling on the lands to the south has been redeveloped as a mixed use dental office and residential building. In this regard, the proposal is an infill situation; and,

   ii) the subject lands are located on a major road and would be compatible with established development in the surrounding area comprised of a medical office to the north, a dental office and residential apartment to the south and commercial uses to the east.

4. Based on a preliminary site plan, the Building Department has advised that approval of the application will require the following variance from the provisions of the Zoning By-law:

   - the Zoning By-law requires that an access drive must be located a minimum of 3.0 m from an abutting residential district. The subject lands abut a residential district to the south. However, in 1992 City Council passed By-law No. 92-305, which provided for a change in zoning for the adjacent lands to the south (No. 860 Upper Wentworth Street) to allow for the conversion of an existing building for a dental office on the first floor and a residential apartment unit on the second floor. As such, the 3.0 m requirement is a technicality and the variance can be supported.

   In addition, the following special provisions should be applied:

   - the applicant should be required to provide a 3.0 metre wide landscaped strip and a 1.2 m - 2.0 m visual barrier along the westerly lot line to buffer the parking area from the existing and future residential uses along Fieldway Drive, as per the approved Neighbourhood Plan; and,

   - an unlighted name plate having an area of not more than 0.2 square metres should be permitted provided that the name plate is attached to and, as nearly as practicable, flush with the wall of the building. This variance will allow for the identification of a commercial use in the existing building but will not detract from the intent of the "Commercial/Residential Conversion" designation to maintain the house-form character.

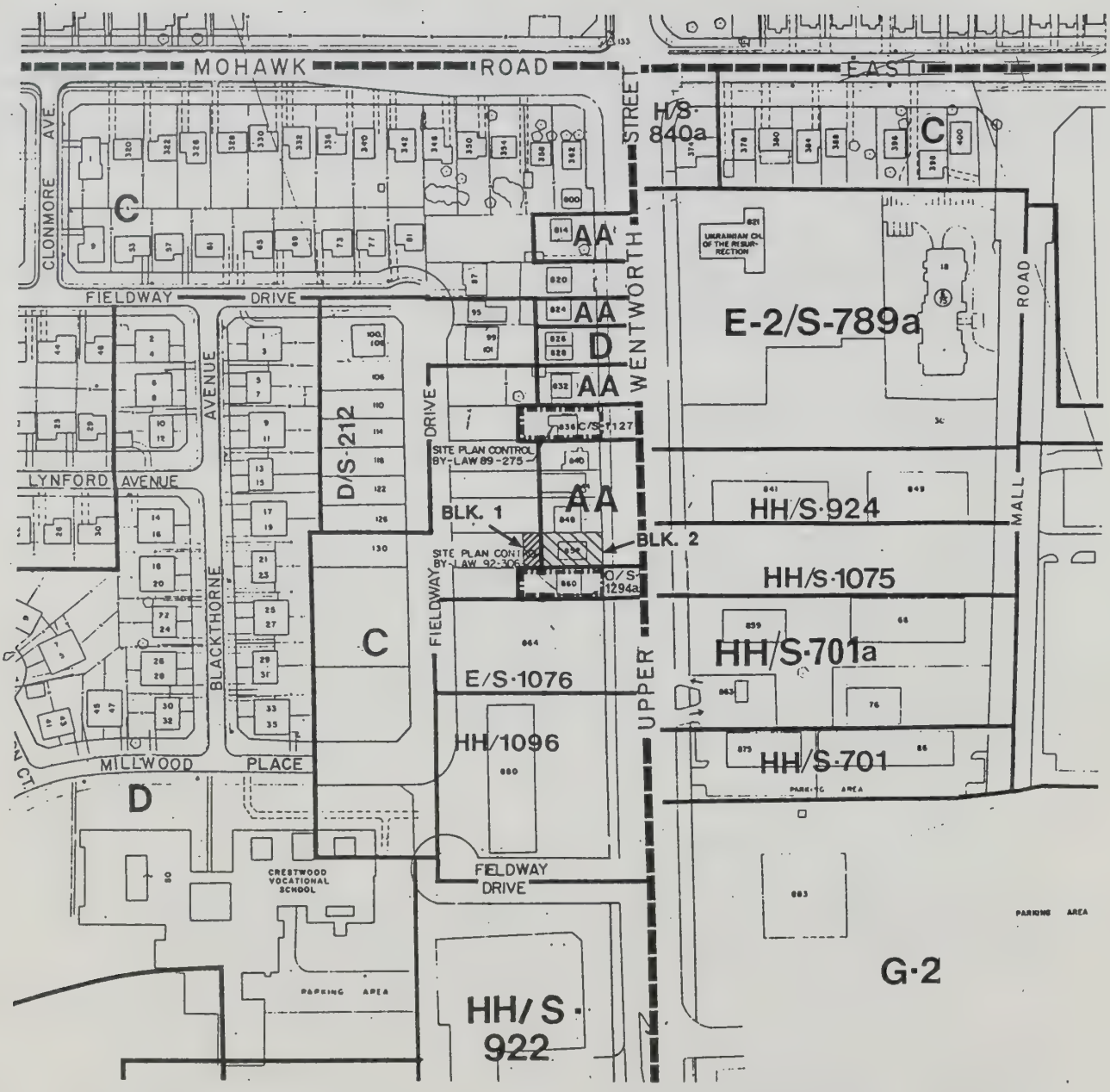
5. The development of the subject lands are not subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. Thus, it would be prudent to place the lands under Site Plan Control so that matters such as access, parking, landscaping, fencing, grading, etc. can be reviewed.

Furthermore, the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved. City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in the By-law once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
94-26



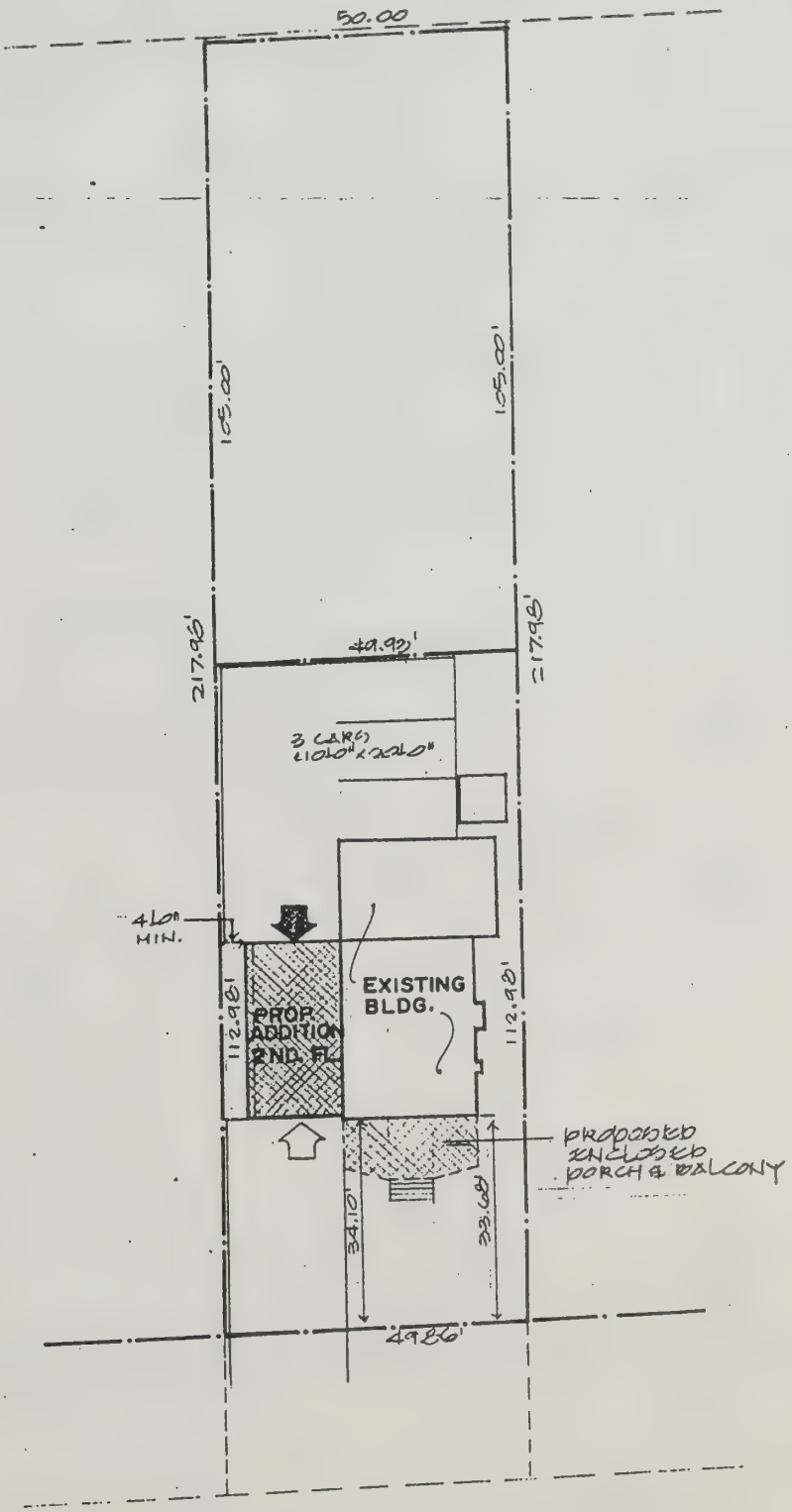
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ZAC-94-26

BLOCK 1 — Proposed modification to the "C" (Urban Protected Residential, etc.) District.

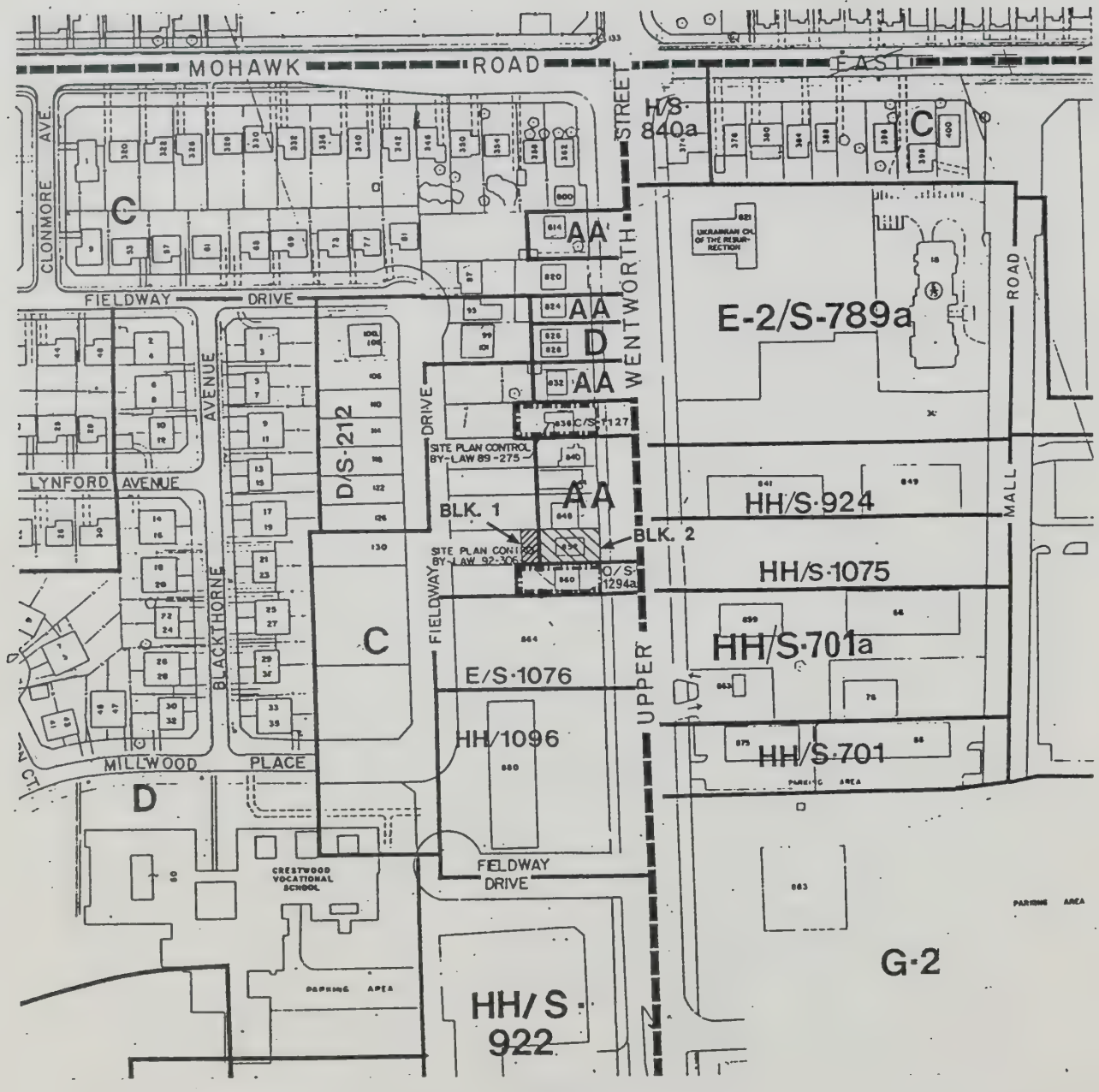
BLOCK 2 — Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified.

FIELDWAY DRIVE



UPPER WENTWORTH STREET

SITE PLAN



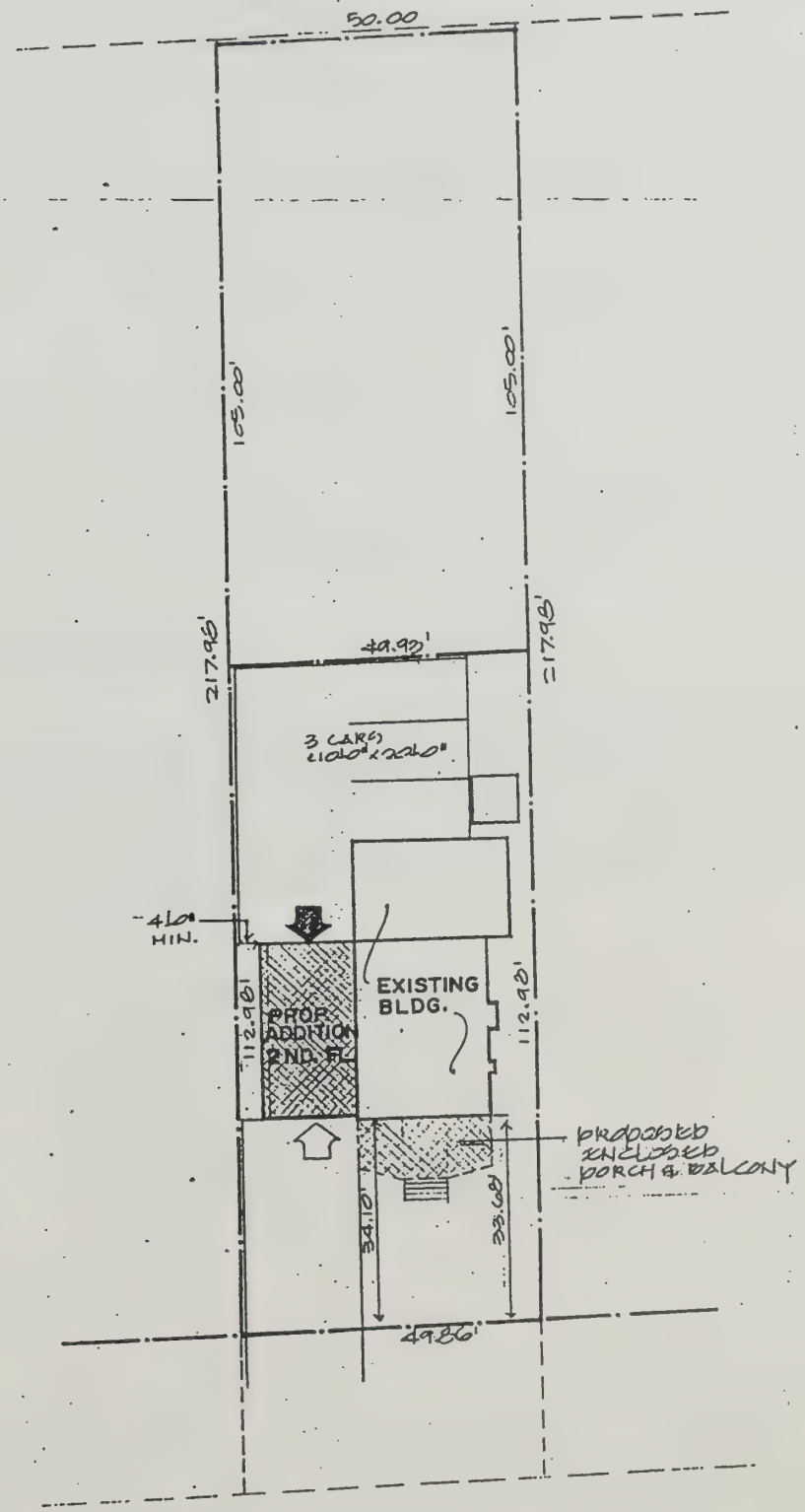
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ZAC-94-26

BLOCK 1 — Proposed modification to the "C" (Urban Protected Residential, etc.) District.

BLOCK 2 — Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified.

FIELDWAY DRIVE



UPPER WENTWORTH STREET

SITE PLAN

2

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 15
ZAC-94-27
Kennedy East Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning - 71 Rymal Road West.

RECOMMENDATION:

1. That approval be given to amended Zoning Application ZAC-94-27, Gerald Coleman and Robert Coleman, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit the use of the subject land for commercial uses, for property located at No. 71 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

   a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a site plan is submitted and approved by the Planning and Development Committee. As a condition of site plan approval, the applicant will be required to provide a mutual right-of-way with the adjacent lands to the east to the satisfaction of the Director of Traffic Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services.

   City Council may remove the 'H' symbol and thereby give effect to the "HH" (Restricted Community Shopping and Commercial) District provisions by enactment of an amending By-law once the site plan is approved.

b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;

c) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That a landscaped planting strip having a minimum width of 3.0 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly property line;

(ii) That a landscaped planting strip having a minimum width of 1.2 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line where it adjoins a residential district, except that no visual barrier shall be situated closer than 3.0 m in distance from the front lot line;

d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-9E be notated S - ;

e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;

f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at 71 Rymal Road West, as shown on the attached map.

The effect of the By-law is to permit the use of the subject lands for commercial purposes. In addition, the By-law provides for the following special requirements:

- that a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly lot line; and,

- that a minimum 1.2 m wide landscaped planting strip and a visual barrier not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the westerly property line where it adjoins a residential district, except that the visual barrier is to be set back 3.0 m from the front lot line.

Furthermore, the amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 36(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until such time as a site plan is submitted and approved by the Planning and Development Committee. As a condition of site plan approval, the applicant will be required to provide a mutual right-of-way with the adjacent lands to the east.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  It is the applicant's intention to change the zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 71 Rymal Road West to permit the use of the subject lands for commercial purposes.

APPLICANT:

Gerald Coleman and Robert Coleman, owner.

LOT SIZE AND AREA:

- 18.29 m (60.01 ft.) of lot frontage on Rymal Road West;
- 41.02 m (134.58 ft.) of lot depth; and
- 750.26 m^2 (8,076.15 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Commercial	"G-1" (Designed Shopping Centre) District, Modified
to the south	Single Detached Dwellings	"B" (Suburban Agricultural and Residential, etc.) District
to the east	Vacant	"HH" (Restricted Community Shopping and Commercial) District, Modified
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial) District, Modified

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies would apply:

"A.2.2.1 The primary uses permitted in areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,

d) satisfy the provisions of Subsection A.2.1 and C.7

ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

A.2.2.16 While it is intended that any Commercial uses be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway commercial uses.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F"."

The subject lands are also located within Special Policy Area 31, for which the following policies are applicable:

"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as access, parking, architectural quality and design, and landscaping."

The proposal complies with the intent of the Official Plan given that as a condition of site plan approval the applicant will be required to provide a mutual right-of-way with the adjacent lands to the east.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" in the approved Kennedy East Neighbourhood. The proposal complies with the intent of the Plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority;
  - Building Department; and,
  - Regional Planning Branch.

- The Traffic Department has advised that:

  "The application to permit restricted community shopping and commercial uses is satisfactory. However, the applicant should be advised that the existing raised concrete medians on Rymal Road prevent left turns to and from the property and access to the property will be limited to right turns in and out only.

The lands to the east of the subject property are zoned "HH", restricted community shopping and commercial, and are currently being considered for a possible severance under application H-57-94. Our comments regarding that application included the recommendation that the property be developed as one comprehensive development to provide full directional access and to limit the number of access points along this section of Rymal Road.

Therefore, we recommend that this property be included in a land assembly with properties to the east in order to provide for a comprehensive development of the properties along this section of Rymal Road."

On November 15, 1994 the Regional Land Division Committee approved the Application for Consent for the lands to the east subject to, among other conditions, the establishment of a mutual right-of-way to the satisfaction of the City of Hamilton Traffic Department.

- The Roads Department has advised that:

"1. There are water services and separate sanitary and storm sewers available to service the subject lands.

2. The designated road allowance width of Rymal Road is 36.0m. In accordance with this designation, Reference Plan 62R-12162 was prepared outlining the lands required for road widening purposes. Therefore as a condition of development approval we recommend that Part 5 of Reference Plan 62R-12162 be dedicated to the Region for road widening purposes.

3. According to our records, lands at No. 71 and 75 Rymal Road West are still zoned residential. We also understand that the owners of lands at No. 75 Rymal Road have not submitted development applications for that property.

As the applicant is aware, there is a raised concrete median island on Rymal Road, adjacent to the subject lands, which restricts access from the subject lands to right turns in and right turns out only. As you are also aware, we have reviewed a recent land severance application on lands to the east and our comments to the Land Division Committee recommended that rights-of-ways be registered on title to provide shared access between the two lots to be severed. It is desirable to consolidate development on this section of Rymal Road and reduce the number of access points to Rymal Road. In reviewing this application, we recommended that as a condition of approval that the owner of these lands establish mutual rights-of-ways for shared access to lands to the east. These rights-of-ways must be to the satisfaction of the Director of Traffic Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services.

4. We recommend that these lands be developed through site plan control at which time we will submit more detailed comments on setbacks, grading, access, etc.

5. In the absence of any details shown, we advise that any works which may occur within the Rymal Road West road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law. Further, all setbacks must be taken from the widened limits of Rymal Road."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Kennedy East Neighbourhood Plan;

   ii) it would be compatible with existing and future intended commercial development along Rymal Road West. In this regard, the proposal is an infilling situation; and,

   iii) it would provide the opportunity for comprehensive redevelopment of the commercially designated lands to the east and west of the subject lands through the use of a mutual right-of-way.

4. The subject lands abut a residential zoning district to the south and west. As such, the following special variances will be required to buffer the commercial use from the residential uses:

   - a visual barrier of not less than 1.2 m and not more than 2.0 m in height should be provided and maintained along the southerly lot line of the subject lands. In addition, the "HH" District regulations require a minimum rear yard of 6.0 m to be provided. Within the required rear yard, the applicant should be required to provide and maintain a landscaped planting strip having a width of at least 3.0 m in order to mitigate any possible adverse effect of the proposal on the adjacent residential uses. This would be consistent with the landscaping and visual barrier requirements for commercially zoned lands to the east and west of the subject lands (No. 21 Rymal Rd., No. 27 Rymal Rd. W., No. 35 Rymal Rd. W., No. 41 Rymal Rd. W., No. 57 Rymal Rd. W and No. 79 Rymal Rd. W.); and,

   - a landscaped planting strip having a minimum width of 1.2 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, should be required to be provided and maintained along the westerly property line where it

adjoins a residential district, except that in order to ensure visibility for vehicles entering and exiting the subject land, the visual barrier should be set back 3.0 m from the front lot line.

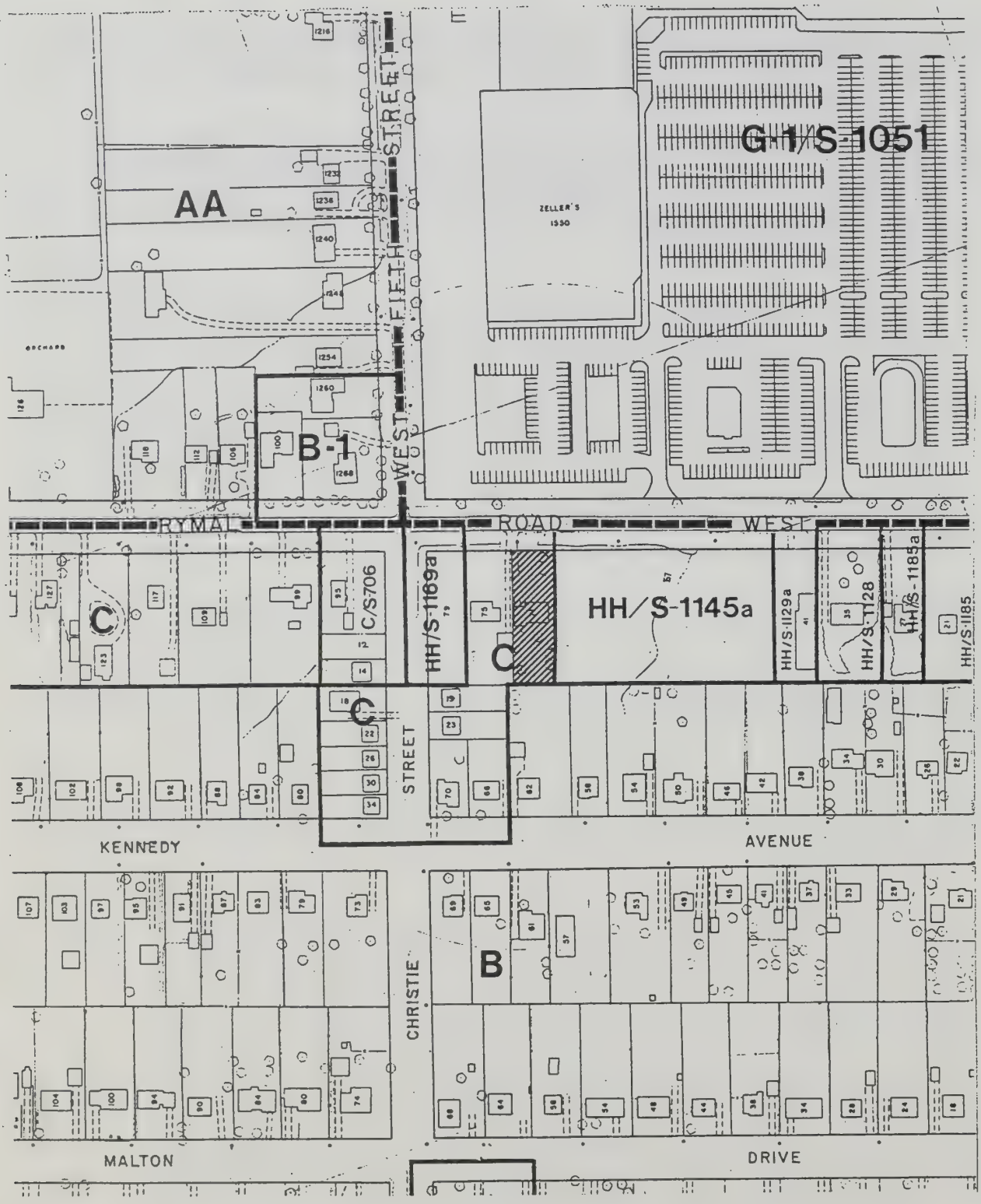
5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

   Given Roads Department's and Traffic Department's concerns about access, the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved including the provision of a mutual right-of-way with the adjacent lands to the east to the satisfaction of the Director of Traffic Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "C" District - Modified provisions as stipulated in the By-law once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
94-27



Legend

Site of the Application

ZAC-94-27

APPENDIX A 1

3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 13

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

Mr. L. C. King, P.Eng.
Building Commissioner

SUBJECT: City Initiative 94-B - Review of Vehicles In Residential Zoning Districts

RECOMMENDATION:

That approval be given to City Initiative 94-B, respecting the parking of large vehicles in residential zoning districts, on the following basis:

a) That Section 18A(15) of Zoning By-law No. 6593, prohibiting the parking of certain large vehicles (including larger recreational vehicles, such as motor homes, house trailers, boat trailers, etc.) in residential districts, be maintained as:

(i) this will preserve the intent of Zoning By-law No. 83-66, to prohibit large and commercial type vehicles from residential Districts due to the potential negative impacts on residential neighbourhoods, such as visual intrusion, noise, fumes, traffic impacts, etc.; and,

(ii) this will continue to allow for smaller recreational vehicles which do not have the potential for negative impacts on residential neighbourhoods (ie. less than 6.5 m in length, without tandem axels or dual wheels).

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As a result of a number of complaints received by the Building Department, regarding the parking of large recreational vehicles, trailers and boats in residential districts, the Planning and Development Committee, at its meeting on September 22, 1993, requested the Building and Planning and Development Departments to undertake a review of Section 18A(15) of the Zoning By-law, which regulates vehicles in residential districts.

- City of Hamilton Official Plan

  The City of Hamilton Official Plan is silent on the issue of large and/or commercial vehicles in residential areas. However, it should be noted that Subsection C.7 - Residential Environment and Housing Policy encourages a high standard of Residential amenity.

- City of Hamilton Zoning By-law No. 83-66

  Prior to 1983, the Zoning By-law did not expressly prohibit the parking of large or commercial vehicles in residential zoning districts. On February 22, 1983, City Council passed By-law No. 83-66, which was the result of a detailed review of parking and loading requirements. By-law No. 83-66, established new parking and loading requirements for Residential, Commercial, Public and Institutional uses, including the introduction of Section 18A(15), to prohibit large and commercial type vehicles in residential districts. The intent of this provision is to avoid the potential negative impacts (ie. visual, traffic, noise, fumes, etc.) of large and commercial type vehicles on residential neighbourhoods.

  In this regard, the Zoning By-law, Section 18A(15), currently prohibits the following vehicles from parking in residential zoning districts:

  1. a vehicle for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes;

  2. a vehicle which exceeds 6.5 m in length;

  3. a vehicle which is equipped with dual wheels or tandem axels;

  4. a vehicle which is a tow truck;

  5. a vehicle which is a bus;

  6. a vehicle which is a bus converted into a mobile home; and,

7. a vehicle which is a bus used for commercial purposes.

"Vehicle" is defined in the Zoning By-law as including:

"a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or cars of electric or steam railways running only upon rails."

- Violation and Enforcement of the Zoning By-law Section 18A(15)

As with any other contravention of the Zoning By-law, violations to Section 18A(15) are investigated on a complaint basis. Prior to 1993, the Building Department advises they have received relatively few complaints (ie. approximately 20 per year). However, in September of 1993, 75 complaints were received by the Building Department, which resulted in many inspections and issuance of Orders to Comply. This situation also received a significant amount of publicity.

Of the 75 complaints received on properties throughout the City, 52 situations were found to be in violation of the By-law and Orders to Comply were issued (APPENDIX "A" demonstrates the types of vehicles which were inspected by the Building Department.)

The breakdown of the types of vehicles found in violation of the By-law are as follows:

Motor Homes (dual wheels or tandem axels)	16
House Trailer (tandem axeled)	23
Boat Trailer (tandem axeled)	6
5th Wheel Trailer (tandem axeled)	5
Converted Bus/Motor Home	1
Cube Van (dual wheeled)	1
Total	52

Of the 52 Orders to Comply, 6 were rectified by removal of the vehicle from the residential district. A total of 9 were recognized as legal non-conforming uses (ie. the situation had existed prior to the passing of By-law No. 83-66). To date, 37 Orders to Comply are outstanding. These Orders have been held in abeyance, pending completion of this study.

In summary, it is only recently that the Building Department has experienced a quantity of complaints with respect to violations involving vehicles prohibited in residential districts. Furthermore, the majority of the recent violations were regarding dual wheeled or tandem axeled motor homes or house trailers.

- City of Hamilton Traffic By-law No. 89-72

The City of Hamilton Traffic By-law prohibits the parking of heavy vehicles on any street which is not designated as a truck route. The By-law definition coincides with Section 18A(15) of the Zoning By-law, in that a heavy vehicle is defined as:

(a) for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes; or

(b) which exceeds 21 feet (6.5 m) in length;

(c) which is equipped with dual rear wheels or tandem rear axels; or

(d) which is a tow truck; or

(e) which is a bus, or a bus converted into a mobile home or used for commercial purposes.

The Traffic By-law, which regulates vehicles on residential streets, is parallel to Section 18A(15) of the Zoning By-law, which applies to the prohibition of parking of such vehicles in residential zoning districts on private property. Consequently, the Traffic Department advises that any change to this Section of the Zoning By-law should be accompanied by a similar change to the Traffic By-law.

- Survey of Other Municipal Regulations

A survey of seventeen municipalities (Ancaster, Brampton, Brantford, Burlington, Cambridge, Dundas, Etobicoke, Glanbrook, Kitchener, London, Mississauga, Oakville, Oshawa, Stoney Creek, St. Catharines and Waterloo) was undertaken, in order to determine how other municipalities regulate large vehicles in residential zones. All of the municipalities restricted the types of vehicles permitted in residential zones. A wide variety of standards were utilized to regulate commercial and large motor vehicles (see APPENDIX B).

Vehicles Regulated

a) Regulation by Size, Weight and Capacity

All the municipalities surveyed regulate the maximum size of vehicle permitted, by weight, height, width, or capacity, or a combination of these standards (see APPENDIX C). Maximum capacities of 1 tonne and 1,000 kg are used. Also, a vehicle weight and load of 4.0 tonnes is also used by one other municipality, besides Hamilton. Maximum weight restrictions vary from 2,500 kg to 5,600 kg. Maximum length regulations range from 5.0 m to 9.0 m for vehicles and up to 11.0 m for trailers. Height restrictions are

also used by some municipalities, which vary from 2.3 m to 3.66 m. London includes a maximum width of 2.4 m. In most cases a combination of standards are used (ie. vehicles of a maximum height and/or weight are prohibited).

b) Regulation by Type of Vehicles

In addition to utilizing maximum weight, height and capacity regulations, some municipalities prohibit certain categories of vehicles. For example, some municipalities prohibit the parking of: vehicles with a stake body, dual wheels, tandem axels, or open storage of goods; commercial trailers; transport trailers; tow trucks; buses; tilt/n/load trucks; dump trucks; tractor trailers; and semi-trailers.

It should be noted that five of the municipalities surveyed have specific regulations and/or definitions for recreational vehicles and four municipalities have specific regulations for boats and/or trailers. However, in most cases, maximum standards such as height and/or length were also applied to these types of vehicles. Only one of the municipalities (Cambridge) permitted any size of recreational vehicle, trailer or boat to be parked outside (in specified yards only).

Open Storage and Location

Rather than outright prohibiting certain vehicles, as is done in Hamilton, some municipalities prohibit the "open storage" of vehicles, in excess of a maximum size or of a certain type. In this regard large vehicles could be permitted within a fully enclosed building or garage. However, given the size of most commercial or large vehicles, it would not seem very likely that many residential properties would contain garages large enough to store these types of vehicles. Therefore, the effect would appear to be the same as prohibition from residential zones.

Furthermore, in some cases, vehicles of a certain type (ie. recreational vehicles), which fall within acceptable standards (ie. maximum length, height, weight) are restricted to certain locations. For example, Etobicoke permits recreational vehicles not exceeding 9.0 m in length in a fully enclosed building, or only in specified yards (ie. not in a front yard, side yard abutting a street, or, for a corner lot, not in any portion of a rear yard closer to the street line than the main wall of the dwelling.).

Maximum Number of Vehicles

In some cases where certain vehicles are permitted, they may be restricted to one or two per lot. For example, Brampton permits a maximum of one boat, snowmobile, or trailer and Brantford permits a maximum of two motor homes, travel trailers or snowmobiles. A total of 11 municipalities restrict certain vehicles to a maximum of one or two.

Summary

Municipalities utilize many variations of regulations to restrict the types of vehicles permitted in residential zones. However, the intent of the various regulations to ensure that residential neighbourhoods are protected from the impacts associated with the parking of large and/or commercial motor vehicles in residential areas appears to be consistent. In this regard, the regulations contained in the City of Hamilton Zoning By-law are comparable with regulations in other municipalities.

DEVELOPMENT OF OPTIONS:

As stated previously, Section 18A(15) of the Zoning By-law prohibits any vehicle which has dual wheels or tandem axels or is greater than 6.5 m in length. It is clear from the Building Department records, that the majority of the complaints and violations are respecting recreational vehicles which fall into these categories. **Since the City has not experienced any problems with commercial or large vehicles other than recreational vehicles, it would not appear feasible to consider relaxing the general prohibition for commercial type vehicles.** Furthermore, Hamilton's regulations in this respect are consistent with the regulations in other municipalities. Accordingly, there are three options identified:

- Option 1 - Maintain the Status Quo;
- Option 2 - Amend the Zoning By-law To Permit Recreational Vehicles with Restrictions; and,
- Option 3 - Amend the Zoning By-law To Permit Unrestricted Recreational Vehicles.

Option 1 - Maintain Status Quo

This option would not involve amendments to Section 18A.(15) of the Zoning By-law, the current regulations, which prohibits certain vehicles in residential Districts, would be maintained.

Advantages

- to preserve the intent of Zoning By-law No. 83-66, to prohibit large and commercial type vehicles from Residential Districts due to the potential negative impacts on the neighbourhood, such as visual intrusion, noise, fumes, traffic impacts, etc.;
- it would allow for smaller recreational vehicles which do not have the potential for negative impacts on residential neighbourhoods (ie. less than 6.5 m in length, without tandem axels or dual wheels); and,

- it would require City approval through the Committee of Adjustment for each proposal to park a large vehicle in a residential district. In this regard, the City could evaluate each situation to determine its appropriateness (ie. size of vehicle, extent of visual intrusion, location of storage, traffic implications such as manoeuvrability, etc.). The City would also have the opportunity, to apply site specific regulations based on the individual proposal (ie. located only in a specific yard, a maximum size or type of vehicle, time limitations, such as 6 months per year, etc.).

Disadvantages

- it could cause hardship whereby owners may not be able to park larger recreational vehicles on their residential property, and may therefore, be required to store the vehicle elsewhere.

Option 2 - Amend The Zoning By-law To Permit Recreational Vehicles With Restrictions

This option would involve an amendment to the Zoning By-law to revise the existing regulations to permit recreational vehicles in residential districts. If recreational vehicles are permitted, they should be restricted in order to minimize potential effects on adjacent residential properties, as follows:

- the owner or occupant of any residential lot may park or store a maximum of one recreational vehicle, trailer or boat on any one lot;
- the recreational vehicle, trailer or boat shall only be located in a rear yard or interior side yard, or within a fully enclosed building or structure;
- the vehicle shall not occupy required parking; and,
- the vehicle shall be set back a minimum distance of 1.2 m from any lot line.

Advantages

- it would allow any type of recreational vehicle to be parked on residential properties, and therefore, avoid the hardship of parking the vehicles elsewhere; and,
- by placing restrictions (ie. maximum of one recreational vehicle, only within an interior side yard or rear yard, not occupy required parking, and 1.2 m setback) on recreational vehicles, the potential for impacts on adjacent residents may be somewhat mitigated.

Disadvantages

- negative impacts on residential neighbourhoods are still likely to occur, such as visual intrusion, traffic impacts, etc. Specifically, the parking of such vehicles would have a direct impact on neighbouring properties with regard to visual amenity, shading and invasion of privacy;

- it may encourage residents to utilize required parking to store recreational vehicles, thereby increasing the parking of automobiles on the adjacent street or in a front yard;

- large recreational vehicles can have the same or similar impacts on a residential neighbourhood as other large or commercial vehicles;

- it may be difficult to enforce, in that vehicles could be easily moved back into a prohibited yard or set back after an inspection takes place;

- the manoeuvrability of recreational vehicles may be difficult, since many residential lots are quite small in area (ie. owners may not be able to adequately manoeuvre large vehicles on and off residential properties);

- it appears that many recreational vehicles could not be accommodated in accordance with the proposed standards. Site visits indicate that the large majority of recreational vehicles are parked in a front yard, or in a side yard at, or close to, the property line. In this regard, it does not seem likely that many residential side yards are large enough to accommodate the storage of a recreational vehicle, while maintaining the proposed 1.2 m setback; or, alternately, many houses have a garage and no side driveway. Likewise, since most driveways do not provide access to the rear yard, it would not appear that many vehicles could be stored in a rear yard; and,

- the majority of recreational vehicles are probably too large to be stored in a residential garage.

Option 3 - Amend The Zoning By-law To Permit Recreational Vehicles Without Restrictions

This Option would involve a general text amendment to the Zoning By-law to permit unrestricted recreational vehicles, as of right, in all residential districts.

Advantages

- it would allow residents to park any type of recreational vehicle on residential properties, and therefore, avoid the hardship of parking the vehicles elsewhere.

Disadvantages

- it is likely that many recreational vehicles would be parked in the front yards, or, in the side yards, close to the property lines, where they are most visible and have the most significant impacts on the residential neighbourhoods (ie. streetscape, etc.);

- it may cause negative impacts on residential neighbourhoods, such as visual intrusion, traffic impacts, etc. Specifically, the parking of such vehicles would have a direct impact on neighbouring properties with regard to visual amenity, shading and invasion of privacy;

- it may encourage residents to utilize required parking to store recreational vehicles, thereby increasing the parking of automobiles on the adjacent street or in a front yard;

- large recreational vehicles can have the same or similar impacts on a residential neighbourhood as other large or commercial vehicles; and,

- the manoeuvrability of recreational vehicles may be difficult, since many residential lots are quite small in area and width (ie. owners may not be able to adequately manoeuvre large vehicles on and off residential properties thereby impeding the pedestrian and traffic flow on public right-of-ways, encroaching onto adjacent properties, etc.).

PREFERRED OPTION:

Option 1 - Maintain the Status Quo is the preferred option. As set out in the above discussion on Options 2 and 3, there are many disadvantages to permitting recreational vehicles as of right in residential districts, with or without restrictions. Option 1 maintains the intent of Section 18A(15) of the Zoning By-law, to prohibit large and commercial type vehicles from residential Districts, due to the potential negative impacts on the neighbourhood, such as visual intrusion, noise, fumes, traffic impacts, etc.

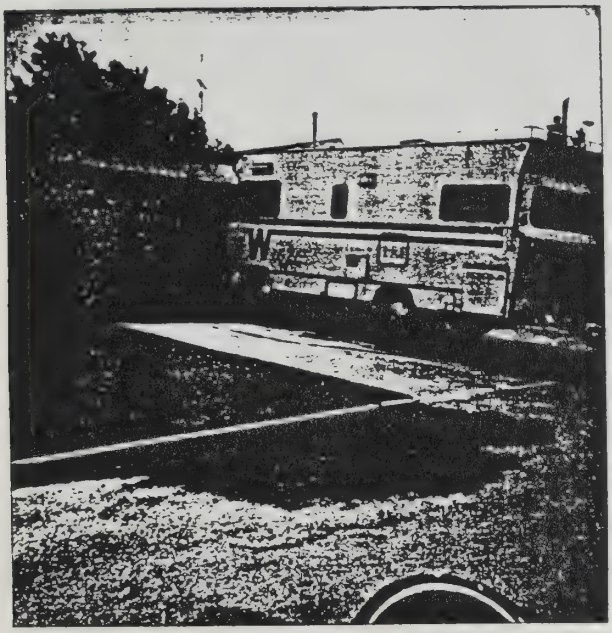
Furthermore, because of the direct impacts of the storage of recreational vehicles on adjacent properties, the best way to deal with these situations is through the City's Committee of Adjustment, thereby allowing the City to review the individual merits of each situation, such as size of lot, location of storage, impact on neighbours, etc. In this regard, the Committee can apply any restrictions it feels might be appropriate for the situation, such as restriction to a particular yard, setback from property line, length of time, etc.

RECOMMENDATION:

Based on the foregoing, it is appropriate that Section 18(15) of Zoning By-law No. 6593, regulating the parking of large vehicles in residential districts, be maintained.

CL-M

Motor Homes









House Trailers

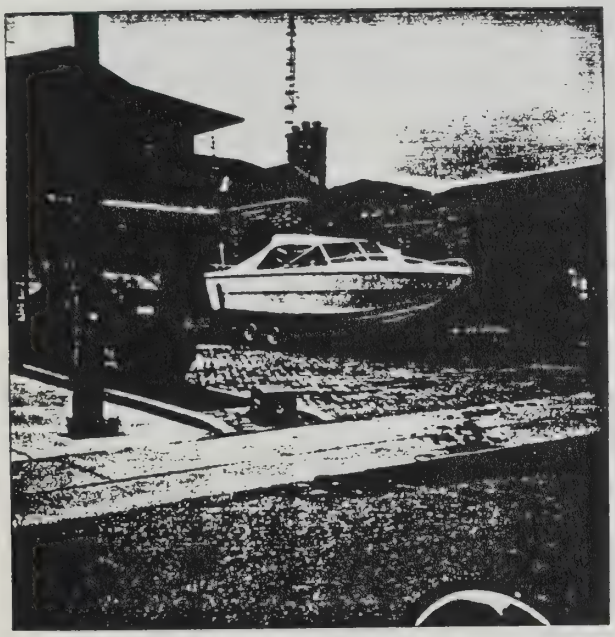








Boat Trailers







5th Wheel Trailer and Converted Bus









Table 1 - Restriction of Vehicles In Residential Zoning Districts

Survey of Municipalities

MUNICIPALITY	ZONING BY-LAW REGULATIONS REGARDING MOTOR VEHICLES PERMITTED IN RESIDENTIAL ZONES
Ancaster	**Vehicles Restricted** - The open storage of *any motor vehicle* exceeding a one tonne carrying capacity, or an overall length of 7.7 m, or an overall height of 2.3 m, or any motor vehicle equipped with a stake body is prohibited.
Brampton	**Vehicles Restricted** - *Motor vehicles* having a vehicle weight greater than 2,500 kg or a height greater than 2.3 m, or both are not permitted, unless they are parked or stored within a totally enclosed building or structure. A maximum of one of the *following vehicles* is permitted on any residential lot: • a boat; • a snowmobile; • a trailer; • a boat on a trailer, together not exceeding 7.0 m in length; and, • one or two snowmobiles on a trailer, together not exceeding 7.0 m in length. Furthermore, boats, snowmobiles, truck trailers, mobile homes, house trailers, travel trailers, or any other type of trailer are not permitted in an exterior side yard, or in a front yard. Boats or trailers are not permitted closer than 7.5 m to a rear lot line which abuts a street or reserve owned by a public authority. **Exceptions** - Travel trailers not exceeding 5.0 m in length when closed may be parked or stored in a driveway that is in the front yard. Vehicles making a delivery or providing a service.
Brantford	**Vehicles Restricted** - *Commercial vehicles* are prohibited, except within a garage. *Motor homes, travel trailers, snowmobiles* or *boats* with accessory trailers, or trailers, are permitted provided: • they are stored or parked within a garage; • any trailer or accessory trailer does not exceed 11.0 m in length.

- a maximum of two can be stored or parked in a rear yard or interior side yard;
- if stored outdoors, are no closer than 1.0 m to any lot line; and,

Exceptions - A motor home, travel trailer, snowmobile or boat with accessory trailer may be stored in a front yard or exterior side yard for up to 72 hours per month.

Burlington

Vehicles Restricted - The outside parking or storing of the *following vehicles* are prohibited:

- motor vehicles (except recreational vehicles) exceeding registered gross vehicle weight of 2,994 kg., or a length of 6.1 m, or a height of 2.6 m;
- motor vehicles with a stake body;
- recreational vehicles, trailers, or any other load, including a boat, whether on or off a trailer or other supporting device, exceeding a combined height of 3.66 m; and,
- any trailer or recreational vehicle within a required landscape strip and within 3 m of the street line.

Recreational vehicles are permitted on the following basis:

- recreational vehicles, trailers or any load thereon including a boat, whether on or off a trailer, or other supporting device, which do not exceed a height of 1.6 m, are permitted in any yard;
- recreational vehicles, trailers or any load thereon including a boat, whether on or off a trailer or other supporting device, which exceed a height of 1.6 m, but do not exceed a height of 3.66 m, are permitted in any yard, between May 1st and October 31st. At any other time such vehicles are permitted in yards other than a front yard or side yard flanking a street.

Cambridge

Vehicles Restricted - no *bus or commercial motor vehicle* exceeding 2,800 kg gross vehicle weight, and no commercial trailer or transport trailer permitted, except:

- in a "neighbourhood parking station", provided in accordance with the By-law;
- a resident may use a wholly enclosed private garage to park or store a maximum of one bus or commercial vehicle not exceeding 5,600 kg gross vehicle weight or commercial trailer or transport trailer, if the resident is the operator.

Further, no *recreational vehicle, trailer* or *boat* is permitted, except:

- by the owner;
- in the rear yard;
- in a side yard, but not closer than 1.2 m to the side lot line;
- on a driveway located in the front yard, between the established building line street line, for the period from 1 April to 31 October, except within 3.0 m of the principle entrance to the dwelling;

- in a garage or carport;
- in a "neighbourhood parking station".

Dundas

Vehicles Restricted - The *following vehicles* are prohibited:

- for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load in excess of 4.0 tonnes;
- which exceeds 6.5 m in length;
- which is equipped with dual rear wheels or tandem axels;
- which is a tow truck;
- which is a bus.

Etobicoke

Vehicles Restricted - *Commercial vehicles* prohibited, except an owner or occupant may park or store a maximum of one commercial vehicle, provided that:

- it does not exceed 1,000 kg capacity (as licensed with the appropriate provincial authorities for a gross weight not to exceed 3,175 kg); and,
- it is operated by the owner/occupant and is not in connection with any business or other use prohibited.

Recreational vehicles (including snowmobiles, boats, camper tops which are mounted on a trailer or truck) which do not exceed 9 m in length are permitted, subject to the following:

- they are located entirely within a garage, carport or dwelling;
- a maximum of two may be stored outside, provided:
  - they are not in a front yard, or a side yard abutting a street, or for a corner lot, are not on any portion of the rear yard closer to the street than the main wall of the main building; and
  - vehicles exceeding 1.9 m are not permitted in a required side yard.

For apartment houses, maisonettes, or group dwellings, *recreational vehicles* may only be parked in a garage or carport, provided that:

- the vehicle is not over 9 m in length; and
- it does not occupy required parking.

Exceptions - Occasional parking of a recreational vehicle in a front yard by the owner/occupant from May 15 to October 15 (for camper trailers, motor homes, truck campers, travel trailers, boats and boat trailers) or from November 30 in one year to April 1 of the next year (for snowmobiles, snowmobile trailers and like winter-oriented vehicles).

Any recreational vehicle may be permitted on a driveway for a period not exceeding three days, at any time of the year.

Glanbrook

Vehicles Restricted - For estate and hamlet residential areas, the open parking or storage of any *vehicle, trailer* or *boat* exceeding 6.4 m in length or a height of 2.6 m is restricted to one vehicle, along with its trailer, provided it is not located closer than:

- 4.5 m from any front lot line, exterior side lot line or rear lot line; and,
- 1.2 m from any interior side lot line.

For other residential zones, the open parking or storage of *vehicles* exceeding 6.4 m in length or 2.6 m in height, and *boats* and *trailers*, is prohibited.

The open parking or storage of any equipment or material, unless incidental to the residential use, and vehicles defined by the Dangerous Goods Transportation Act, are prohibited.

Kitchener

Vehicles Restricted - Parking or storage of *commercial vehicles* is subject to the following provisions:

- no commercial vehicle exceeding a registered gross weight of 4,000 kg is permitted, except within a fully enclosed building or structure;
- regardless of weight, tow trucks, tilt/n/load trucks, dump trucks, tractor trailers, semi-trailers, buses exceeding 10 passenger seats are not permitted except within a fully enclosed building or structure; and,
- regardless of weight, no commercial vehicle having open storage of any goods, materials or equipment is permitted except within a fully enclosed building or structure.

Exception - Temporary delivery service.

London

Vehicles Restricted - No *commercial vehicle* or motorized construction equipment, except one commercial vehicle which:

- is owned or operated by occupant;
- is not greater than 2.4 m wide, 2.4 m high and 6.0 m long; and
- is parked or stored within a building or carport, or within a yard other than a front yard, exterior side yard or a required interior side yard.

Trailers, boats or *recreational trailers* greater than 5.0 m in length are not permitted in a front yard, exterior side yard or a required interior side yard.

Exception - Vehicles making deliveries or providing service.

Mississauga

Vehicles Restricted - *Commercial motor vehicles* (any motor vehicle having attached thereto a truck or delivery body) in excess of 500 kg capacity are prohibited, except, an owner or occupant may store a maximum of one commercial vehicle not exceeding 1,000 kg capacity in a garage.

The outdoor parking, storage or display of any *tailer* or *boat* is prohibited, except, not more than one trailer not exceeding 7 m in length and one boat not exceeding 7 m in length is permitted, in accordance with the following:

- within a side yard to the rear of the front wall of the main building, but not less than 1.2 m from the nearest side lot line, or in the rear yard.
- a trailer or boat shall not be parked within 7.5 m of a side or rear lot line which abuts a street or 0.3 m reserve; and
- within a front or side yard for a total period not exceeding 72 hours in any calendar month.

Trailers or boats may be parked on multiple residential properties provided they are parked in the space required to be provided in accordance with the Zoning By-law.

Exception - Commercial vehicles attending residential premises for delivery and service.

Oakville

Vehicles Restricted - *Commercial vehicles* prohibited other than one commercial vehicle not exceeding gross weight as registered with the Ministry of Transportation and Communications, of 2,721.5 kg.

Oshawa

Vehicles Restricted - *Commercial vehicles* weighing in excess of 3,000 kg are prohibited. Not more than one commercial vehicle (ie. under 3000 kg), tow truck or ambulance to be parked or stored on a lot.

Exceptions - Parking of vehicles making deliveries or providing a service. Parking or storing of a commercial vehicle in an accessory building provided such building was lawfully used for such parking or storing immediately prior to passing of By-law.

Stoney Creek

Vehicles Restricted - By-law No. 3692-92 (subject to OMB approval) *Commercial motor vehicles, heavy motor vehicle, commercial trailers, coaches, street cars* or construction equipment are prohibited. Note: a trailer excludes a recreational vehicle and a coach excludes a school bus.

By-law No. 2175 - Commercial vehicles are prohibited.

A *commercial motor vehicle* is defined as a motor vehicle which:

1. has attached thereto a truck or delivery body; and
2. for the purposes of the Highway Traffic Act has a registered gross weight of more than 3,629 kg; and

This definition includes truck tractors used for hauling trailers on the highway but does not include a mobile home.

St. Catharines

Vehicles Restricted - *Commercial motor vehicles* in excess of 3,600 kg gross vehicle weight as registered with the Ministry of Transportation and Communications are prohibited.

Commercial motor vehicle is defined as "a motor vehicle used for business, employment or commercial purposes and shall include a tractor-trailer for hauling purposes on the highway, earth moving equipment, backhoes and farm tractors."

Exception - Temporary parking for delivery purposes.

Toronto

Vehicles Restricted - *Trailers* or *commercial motor vehicles* are not permitted, except:

- an owner or occupant may personally use an accessory building or structure to house or store one commercial vehicle;
- an owner or occupant may personally use the lot or accessory building or structure to park or store a maximum of one camper trailer or boat trailer, provided:
  - it is not parked beyond the main front wall of a residential building; and
  - no electricity, water or gas is connected and it is not used for living accommodation or recreational use.

Waterloo

Vehicles Restricted - A maximum of *one light commercial vehicle* not to exceed one ton maximum capacity for the use of the owner or tenant of the premises is permitted.

Table 2 - Summary of Weight, Height and Length Restrictions Used For Vehicles Permitted In Residential Districts

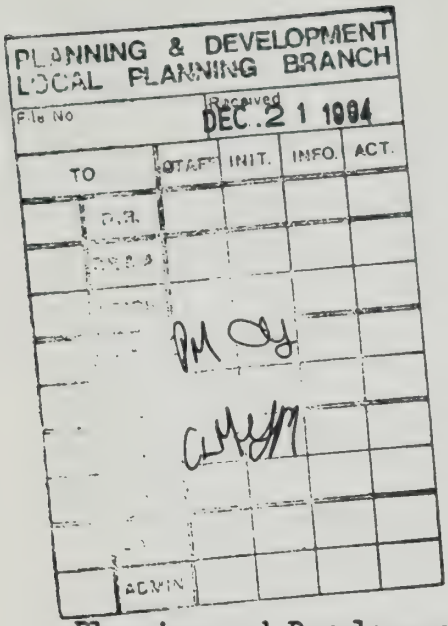
Survey of Municipalities

MUNICIPALITY	TYPE OF VEHICLE REGULATED	MAX. WEIGHT/CAPACITY	MAX. LENGTH	MAX. HEIGHT
Ancaster	Motor vehicle*	one tonne capacity	7.7 m	2.3 m
Brampton	Motor vehicle*	2,500 kg		2.3 m
	Boat on trailer		7.0 m	
	1 or 2 snowmobiles on trailer		7.0 m	
Brantford	Trailers		11.0 m	
Burlington	Motor vehicles (except recreational)*	2,994 kg	6.1 m	2.6 m
	Recreational vehicles, trailers, (including boats)*			3.66 m
Cambridge	Bus, Commercial motor vehicle*	2,800 kg		
	Bus, Commercial motor vehicle, commercial trailer, transport trailer - in building	5,600 kg		
Dundas	Motor vehicles	4.0 tonne load	6.5 m	

APPENDIX C

MUNICIPALITY	TYPE OF VEHICLE REGULATED	MAX. WEIGHT/CAPACITY	MAX. LENGTH	MAX. HEIGHT
Etobicoke	Commercial motor vehicle	1,000 kg capacity 3,175 kg		
	Recreational vehicles		9.0 m	
Glanbrook	Vehicle, trailer, boat*		6.4 m	2.6 m
Kitchener	Commercial vehicles*	4,000 kg		
London	Commercial vehicle Trailer and Boat*		6.0 m 5.0 m	2.4 m (also width 2.4 m)
Mississauga	Commercial motor vehicle*	1,000 kg capacity		
	Trailer or boat		7.0 m	
Oakville	Commercial vehicles	2,721 kg		
Oshawa	Commercial vehicles	3,000 kg		
Stoney Creek	Commercial vehicles	3,629 kg		
St. Catharines	Commercial motor vehicles	3,600 kg		
Waterloo	Light commercial motor vehicle	1 Tonne capacity		

Note: * restrictions apply only to vehicles parked or stored outside



3a

SIMMONS DOUGLAS ORVAL
SIMMONS BERNICE ELIZABETH
226 Rymal Rd W
Hamilton Ont
L9B 1B8

DEC 2 1 1994

December 20, 1994

Planning and Development Committee
The Corporation of the City of Hamilton
City Hall
Hamilton, Ontario.

Attention: Christine Lee-Morrison

Re: Notice of Public Meeting of the Planning and Development Committee
Subject: Review of Vehicles Permitted in Residential Zones

In response to the above notice which appeared in The Spectator on Thursday, December 15, 1994, we would like to state that we prefer Option "1", that is, maintaining the existing Zoning By-Law.

To this point we have had no experiences with Recreational Vehicles being parked in our immediate neighbourhood; but, we have had bad experiences in our neighbourhood with Industrial Equipment and medium and large Tow Trucks which negatively affected all the people in our neighbourhood and created traffic problems.

Yours truly, Douglas O Simmons

Bernice E Simmons

4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 19

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-94:225, respecting property located at Nos. 476 and 478 Upper Wellington Street.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Committee of Adjustment application A-94:225 has recently been appealed to the Ontario Municipal Board. At its meeting of November 10, 1994, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit the establishment of a take out restaurant at 476 and 478 Upper Wellington Street, notwithstanding that the parking area

and access driveway are 0.0 m to the nearest residential district, whereas separation distances of 12.0 m and 30.0 m, respectively, are required. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

6

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 1 1994

DATE: 1994 December 20

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Lister Block, 28-44 James Street North/ 5-21 King William Street - Designation Recommendation

RECOMMENDATION:

(a) That approval be given to the "Intent to Designate" the Lister Block at 28-44 James Street North/ 5-21 King William Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

LACAC at its meeting held 1994 December 5 approved the above recommendation and also that the authority to forward it be delegated to the Research Sub-Committee. LACAC's Research Sub-Committee has since recommended that the designation process be initiated, and a letter is being sent to the owners of the building to advise them of the designation recommendation.

A recent newspaper article (Spectator, 1994 November 12) indicated that the tenants in the Lister Block were being given notice and suggested that the building may be under threat of demolition. However, no application for a demolition permit has yet been submitted to the Building Department (and could not be processed until the building is completely vacant).

While commercial buildings with no residential component are not protected under the City's Demolition Control By-law, all designated buildings are now subject to the demolition control provisions of Bill Pr140 (an Act Respecting The City of Hamilton), given royal assent in December 1994.

The Lister Block is on the City's Inventory of Buildings of Architectural and/or Historical Interest and also on a short list of Landmark Buildings in Hamilton's Downtown Core. Moreover, in the James North Heritage District Report, the Lister Block was identified as a heritage building of major importance (Category A).

In 1984, LACAC agreed to proceed with recommending designation, at the owners' request. The owners, at that time, had applied to the Province for a Corporate Sector Grant - for which designation was a pre-requisite. However, ownership of the property subsequently changed and the new owners allowed the application for heritage funding to lapse.

The Lister Block is a six-storey building with a James Street frontage of 139 feet. The depth of the lot is close to 320 feet, providing space for parking at the rear of the building with access from Hughson Street. The present "I" zoning allows for a variety of commercial, residential, institutional and public uses.

att.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
P. Noé Johnson, City Solicitor
L. King, Building Commissioner

REASONS FOR DESIGNATION

Lister Block

28–44 James Street North / 5–21 King William Street

Context

The imposing six–storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north–east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four– and six–storey T. Eaton Co. department store (1916/20) to the north–west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six– and eight–bay street elevations, with entrances provided to the L–shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

History

The Lister Block site is noteworthy for its long–term association with the Lister family, dating back to the 1850s when the original four–storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six–storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up–to–date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two–level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service–oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

The present Lister Block remained largely occupied until the mid–1970s. Long–standing tenants have included the Tait–Gibson Optical House, one of the first occupants in 1927 and still located at #44, Anne Foster Music Shop at #36 since 1942, and the former White Grill Restaurant, located at #40 for over forty years.

Architecture

The Lister Block is significant as Hamilton's oldest surviving major retail/office complex with a large interior arcade. It also ranks among the city's best surviving examples of the decorative use of terra cotta. Moreover, it is one of the most distinctive buildings designed by the local architectural firm of Bernard Prack & Co. (later Prack & Prack), whose achievements included the tall Gothic–inspired 1929 Pigott Building. Typical of early 20th century office buildings, the Lister Block combined technically advanced fire–proof construction with traditional architectural materials and forms. Stylistically, it followed the Renaissance Revival precedent adopted for Hamilton's pre–modern tall buildings, such as the Royal Connaught Hotel (1914–16), and was similarly characterized by the tripartite division of its facades into base, shaft and capital, all articulated by classical elements and details. The massing of the Lister Block, however, more closely resembled that of the early 20th century department store, with its bulkier proportions and horizontal emphasis (as exemplified by the original T. Eaton Co. building).

To the architect's credit, the Lister Block is distinguished by the clear architectural expression of its dual function, the skilful handling of Renaissance Revival forms, and high–quality materials employed in a visually effective manner. The building consists of a reinforced concrete frame clad in brick, terra cotta and sheet copper. The white glazed terra–cotta facade of the lower two stories of retail space comprises fluted pilasters supporting an entablature punctuated by decorative medallions aligned with the capitals. Set within this classical framework are the individual storefronts and wide display windows above. In contrast, the facade of the four stories of office space above is divided into bays of tall sash windows and copper spandrel panels by piers of dark brown rug brick. Crowning the facade is a white glazed terra–cotta entablature similar in design to the lower one, but more elaborate.

The L–shaped interior arcade, claimed at the time of its opening to be the first in Hamilton with a second level of shops, is also noteworthy for its architectural treatment: corridors with marble and patterned terrazzo flooring lined with varnished wood and plate–glass storefronts, and at street level, decorative plasterwork in the form of arches sprung from classical pilasters, and circular skylights (originally domed on the interior).

The Lister Block has, to a large extent, preserved its original architectural character. Most of its original exterior and interior features are intact; and exterior alterations have mainly occurred at ground floor level: most noticeably, the partial removal of two pilasters on the James Street facade. Only the storefront of Anne Foster Music (#36) still stands unaltered.

Designated Features

Important to the preservation of the Lister Block are the original architectural features of:

1. the two street facades (west and south), including all original windows, the one original storefront at #36, and the decorative terra–cotta and copper work, but excluding recent alterations to the storefronts and arcade entrances;
2. the two–level interior arcade, including the shopfronts, decorative plasterwork, marble and terrazzo flooring, and circular skylights (excluding the recent bubble domes).

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 January 4
9:30 o'clock a.m.
Room 233, City Hall

A G E N D A

A. **ADOPTION OF MINUTES**

Minutes of the Planning and Development Committee for its meeting held 1994 December 7

B. **BUILDING COMMISSIONER**

(i) Hamilton Emergency Loan Programme - 50 Robins Avenue

(ii) Demolition Permit - 37 Dickson Street

(iii) Demolition Permit - 80 Hillyard Street

(iv) Demolition Permit - 535 Wentworth Street North

C. **DIRECTOR OF PUBLIC WORKS**

(i) Revised Board of Management - International Village Business Improvement Area - 1995-1997

(ii) International Village Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

(iii) Revised Board of Management - Westdale Village Business Improvement Area - 1995-1997

(iv) Westdale Village Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

(v) Revised Board of Management - Main West Esplanade Business Improvement Area - 1995-1997

(vi) Main West Esplanade Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

(vii) Revised Board of Management - Barton General Business Improvement Area - 1995-1997

(viii) Barton General Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

(ix) Revised Board of Management - Ottawa Street Business Improvement Area - 1995-1997

(x) Ottawa Street Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

(xi) Revised Board of Management - Downtown Hamilton Business Improvement Area - 1995-1997

(xii) Downtown Hamilton Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

(xiii) Revised Board of Management - Concession Street Business Improvement Area - 1995-1997

(xiv) Concession Street Business Improvement Area - Proposed Budget and Schedule of Payments for 1995

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1994 December 7
9:30 o'clock a.m.
Room 233, City Hall

A

The Planning and Development Committee met.

There were present: Alderman Don Drury, Chairperson
Alderman Frank D'Amico, Vice-Chairperson
Alderman Marvin Caplan
Alderman Henry Merling
Alderman William McCulloch
Alderman Geraldine Copps
Alderman Bob Charters

Regrets: Mayor Robert M. Morrow
Alderman Fred Eisenberger (vacation)

Also Present: Alderman Mary Kiss
Alderman Tom Jackson
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Mary Lou Tanner, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Art Zuidema, Law Department
John Robinson, Building Department
Brian Allick, Building Department
Eugene Chajka, Transportation/Environmental Services
Steve Robichaud, Planning Department
Charlene Touzel, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Rental Housing Protection Act Application CD-94-001 - 22-24-26 John Street North**

The Committee was in receipt of a report dated 1994 November 25 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Mary Lou Tanner, Planning Department, made a presentation respecting the Rental Housing Protection Act Application.

After some discussion, the Committee approved the following:

(a) That approval be given to Application CD-94-001, Rental Housing Protection Act, Scott Cooper, owner, for conversion of 12 rental apartment units to condominium units for property located at 22-24-26 John Street North, subject to the following conditions:

(i) that this Rental Housing Protection Act approval shall cease and be at an end:

(1) if the Owner has sold the land without entering and registering the Rental Housing Protection Act Approval Agreement with the City; and,

(2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(ii) that the Owner shall enter into a Rental Housing Protection Act Approval Agreement with the City in a form satisfactory to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the issuance of the Rental Housing Protection Act Certificate of Approval; and,

(iii) in the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property enters into an assumption agreement to assume the obligations of the Owner herein.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. **Zoning Application 93-26, 822827 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning for Blocks "1" and "4" from "DE-2" District to "R-4" District; Blocks "2" and "3" from "E-2" District, modified, for "R-4" District; and Block "5" from "DE-2" District, modified, to "C" District, for lands located in the area north of Limeridge Road East and west of Upper Kenilworth Avenue (extension of Locheed Drive) and Revision to Draft Plan Approval "Wisemount Estates" Subdivision**

The Committee was in receipt of a report dated 1994 November 30 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation respecting the proposed rezoning application and advised Committee Members that of the 585 notices mailed, 29 were received in favour and 5 were received opposed.

Mr. A. Cameracci, Urbex Engineering Limited, and Mr. John Parente, agent representing the owner, were in attendance and asked the Committee to support the application with an amendment to change the required 20 metre setback on the cul-de-sac to 18 metres.

Danny Menechella, 14 Knight's Court, was in attendance to express his concerns that the neighbourhood residents are still unsure as to what is being proposed in the area and felt that the area is being downgraded with the construction of smaller homes.

Joe Sozio, 19 Knight's Court, was also in attendance to express his concerns respecting the size of the lots.

Aldermen Charters and Jackson, Ward Aldermen, supported the zoning application and subdivision application as they felt it would be an improvement to the area and would maintain the integrity of the neighbourhood.

After considerable discussion, the Committee amended the staff recommendation as follows:

That recommendation 2. (a) (iv) be amended to read as follows:

That all roads be established to their ultimate widths of a minimum of 20.0 metres in width with the exception that Knight's Court may be 18.0 metres provided that detailed design accommodates all services and utilities to the satisfaction of the Commissioner of Transportation/Environmental Services. **- Amendment Carried**

The Committee approved the following as amended:

1. (a) That approval be given to amended Zoning Application ZAC-93-26, 822827 Ontario Inc. (A. DiSilvestro), owner, requesting changes in zoning from "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District (Blocks "1" and "4"); "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District (Blocks "2" and "3"); and, "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "5"), to permit the development of Blocks "1", "2", "3" and "4" for small lot single-family detached dwellings and Block "5" for single-family detached dwellings, for lands located north of Limeridge Road East and west of Upper Kenilworth Avenue (proposed extension of Locheed Drive), as shown on the attached map marked as Appendix "A", on the following basis:

   (i) That Blocks "1" and "4" be rezoned from "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District; and,

   (ii) That Blocks "2" and "3" be rezoned from "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District; and,

   (iii) That Block "5" be rezoned from "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District; and,

   (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,

   (v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

   (vi) That the Lisgar Neighbourhood Plan be amended as follows: redesignate Blocks "1", "4" and "5" from "Low Density Apartments" to "Single & Double Residential"; and, redesignate Blocks "2" and "3" from "Medium Density Apartments" to "Single & Double Residential".

   (b) That By-law No. 74-187 be amended to delete Clause 1 of Section 2, and the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-346a, and that the subject lands on Zoning District Map E-59A be notated S-346a and that the City Solicitor be directed to incorporate this change into the by-law prepared for recommendation 1; and,

   (c) That Clause (c) of Section 2 of By-law No. 70-255 be amended to delete "403 dwelling units" and replace it with "326 dwelling units", and the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-166a, and that the subject lands on Zoning District Map E-59A be notated S-166a and that the City Solicitor be directed to incorporate this change into the by-law prepared for recommendation 1.

2. (a) That approval be given to the request by Mr. A. Cameracci of Urbex Engineering Limited on behalf of 822827 Ontario Inc. (A. Di Silvestro) owner, to further revise a part of the original draft plan approval for

"Wisemount Estates" subdivision (formerly "Wisemount Forest Survey - Phase 3"), subject to the following additional conditions:

(i) That this approval apply to the plan, prepared by S.J. Balaban, O.L.S., dated 1994 July 22 showing forty-three (43) lots for single family detached dwellings, a block for low and medium density apartments and two blocks for road widening purposes; and,

(ii) That the owner satisfy all engineering and financial requirements of the City of Hamilton; and,

(iii) That the owner dedicate sufficient lands to the City of Hamilton for road widenings along Upper Kenilworth Avenue and Limeridge Road East; and,

(iv) That all roads be established to their ultimate widths of a minimum of 20.0 metres in width with the exception that Knight's Court may be 18.0 metres provided that detailed design accommodates all services and utilities to the satisfaction of the Commissioner of Transportation/Environmental Services; and,

(v) That the proposed roadway layout conform to the current roadway design requirements for the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(vi) That all vehicular access to Block 44 be restricted to Limeridge Road East and/or Upper Kenilworth Avenue.

(b) That the Regional Commissioner of Planning and Development be advised of Council's decision.

3. **City Initiative 94-C - Monster Homes**

The Committee was in receipt of a report dated 1994 November 18 from the Commissioner of Planning and Development and the Director of Local Planning Branch respecting the above-noted matter.

Steve Robichaud, Planning Department, made a presentation respecting the City Initiative to regulate the size and bulk of dwellings in the "C" District in the Ainslie Wood, Ainslie Wood East, Ainslie Wood North and Ainslie Wood West Neighbourhoods.

Jean Harms, 171 Emerson Street, appeared before the Committee to express her concerns that the neighbourhood has deteriorated over the past five years because of the construction of Monster Homes in the area. Mrs. Harms added that student housing should be addressed and asked that the staff report be approved to preserve the integrity of the neighbourhood.

Rick Grigg, 35 Thorndale Street North, also appeared before the Committee to present a petition signed by nearly 1,000 area residents of the Ainslie Wood Neighbourhoods asking the City of Hamilton to establish special regulations in its zoning by-laws to regulate Monster Homes in the Ainslie Wood Neighbourhoods. Mr. Grigg added that the construction of Monster Homes can have an adverse effect on the streetscape and adjacent properties and can affect property values. Mr. Grigg added that the neighbourhood residents would like to see the maximum building height for a single detached dwelling reduced to eight metres or two stories, whichever is less.

Jim Bechtel, 9 Sanders Boulevard, expressed his opposition to Monster Homes by stating that the needs of the current residents are not best served by such large homes that are, in his opinion, commercial enterprises.

Doug Anderson, 265 Emerson Street, indicated that the proposed height restrictions are not tight enough and felt that only a few of the homes in the area would exceed the proposed restrictions.

John Jukes, 273 Bowman Street, expressed his concerns that the majority of Monster Home owners do not live in their properties but rent them out to students who do not maintain the properties (cutting lawns, shovelling sidewalks, etc.) and suggested that the City implement better controls respecting the upkeep of properties.

Linda Grigg, 35 Thorndale Street North, indicated that the Monster Homes are having a negative affect on the neighbourhoods and supported the staff recommendation to prevent any further deterioration of the neighbourhoods.

Eamonn McEnaney, 103 Cheever Street, appeared before the Committee to express his concerns respecting the staff report. Mr. McEnaney was concerned with the Gross Floor Area and indicated that the statistics contained in the report from other municipalities are misleading because they do not include basement area or second floor square footage.

Mr. McEnaney felt that one advertisement of this Public Meeting in the local newspaper was insufficient given the importance of this initiative and felt that notices should have been mailed to the residents of the area.

Mr. McEnaney recommended that the study be discarded because the focus of the study was to ensure that new development should be compatible with existing buildings, but the focus should have been Monster Homes only. Mr. McEnaney indicated that appropriate redevelopment should be allowed to continue because it is forcing redevelopment to be compatible with small wartime houses in the area.

Mr. McEnaney circulated a drawing showing the maximum Gross Floor Area if this City Initiative is approved. Mr. McEnaney added that more study is required on this subject but concluded by saying that he supports restricting the building of Monster Homes in the area.

Mark Cole, 127 Jackson Street West, appeared before the Committee to express his concerns respecting the proposed recommendations. Mr. Cole added that he owns property in the area and felt that the proposal was too restrictive.

Doug Anderson, 265 Emerson Street, spoke for a second time and indicated that the recommended changes would restrict people who presently live in the neighbourhood, from bettering their properties and would play into the hands of absentee landlords.

Janet Rees, 136 Whitney Avenue, commented that it is not the homes for families that are of concern, but those occupied by students that must be looked at more closely.

George Marigold, no address given, expressed his concerns respecting parking problems in the area.

The Committee was also in receipt of the following written submissions respecting the above-noted matter:

a) Letter dated 1994 November 30 from Robert Savelli, 7 Carwyn Crescent
b) Letter dated 1994 November 24 from Eva Crevier, 10 Norfolk Street North
c) Letter dated 1994 November 30 from James Bechtel, 9 Sanders Boulevard
d) Letter dated 1994 November from Betty Bechtel, 9 Sanders Boulevard
e) Letter dated 1994 December 3 from Maurice and Jean Fay, 2 Glenmount Avenue
f) Letter from Tom Perrie and Sheryl Wickens-Perrie, 98 Binkley Crescent
g) Letter dated 1994 December 4 from Helen Love, 33 Thorndale Street North

h) Letter dated 1994 November 24 from Linda and Rick Grigg, 35 Thorndale Street North

i) Letter from Donna and Fred Brown, 22 Thorndale Street North

Considerable discussion ensued respecting this matter and the following amendment was recommended:

That recommendation (a) (i) of the staff report be amended to change the maximum building height from 9.0 metres to 8.0 metres. - **Amendment Lost**

Given the above, the Committee approved the following:

That approval be given to City Initiative 94-C for a modification to Zoning By-law No. 6593 for the Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood, as shown on the attached map included as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, on the following basis:

a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,

(ii) That no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45; and,

(iii) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

a) an attached garage;
b) a detached garage; and,
c) the floor area occupied by heating, air conditioning and laundry equipment.

For any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9; and,

b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1335, and that the subject lands on Zoning District Maps W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive be notated S-1335; and,

c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive for presentation to City Council; and,

d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

4. **Revised Plan of Subdivision "Redhill Vista" (Luval)**

The Committee was in receipt of a report dated 1994 November 25 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Terry Stortz, of May, Pirie, Dakin Associates Limited on behalf of Valery Construction Ltd., owner, was in attendance and indicated that he is satisfied with most of the conditions in the report with the exception of items (iv) (v) (viii) and (ix).

The Committee agreed to amend the staff recommendation as follows:

That Sections (a) (iv) and (a) (v) be deleted and replaced with the following:

That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by the Council of the City of Hamilton on 1973 October 9, and subsequent amendments. - **Amendment Carried**

The Committee further agreed to amend the staff report as follows:

That Section (a) (viii) be amended by adding the words "and that the associated costs be derived from the development charges" after the words "Paramount Drive". - **Amendment Carried**

A further amendment was made as follows:

That Section (a) (ix) be amended by deleting the words "and sewer or water permits" after the words "building permits". - **Amendment Carried**

The Committee approved the following as amended:

(a) That approval be given to the request by Mr. Terry Stortz, of May, Pirie, Dakin Associates Limited on behalf of Valery Construction Ltd., owner, to give draft plan approval for the revised "Redhill Vista" subdivision to create within the City of Hamilton, 21 lots for single family homes fronting on Mud Street and Upper Mount Albion Road, and a Block for approximately 36 townhouse units, subject to the following conditions:

(i) That this approval apply to that portion located in the City of Hamilton of the draft plan signed by John P. Nouwens, O.L.S., dated 1993 December 14 showing 23 lots for single detached residential purposes, and one block for townhouse development, and further red-line revised to include an additional parcel of land in the south-east; and,

(ii) That the final plan conform with the zoning by-law approved under The Planning Act; and,

(iii) That the surveyor provide the City of Hamilton and Region with a certified list showing the lot frontage, lot areas and total area in both metric and imperial measure; and,

(iv) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by the Council of the City of Hamilton on 1973 October 9, and subsequent amendments; and,

(v) That the owner dedicate to the Region/City of Hamilton, sufficient lands for road widening purposes in order to establish a cul-de-sac at the westerly limit of the subdivision with a 15 metre radius. The cul-de-sac is required to be offset to the south side of Mud Street; and,

(vi) That the owner submit a site grading plan to the Region for the complete subdivision for review and approval; and,

(vii) That Lots 1 to 19 (inclusive) not be registered until the watermain has been approved by the Region from Upper Mount Albion Road to Paramount Drive and that the associated costs be derived from the development charges; and,

(viii) That Lots 1 to 20 (inclusive) not be issued access permits or building permits until such time as Mud Street is realigned to the south and this section of Mud Street reverts to a local cul-de-sac under jurisdiction of the area municipality; and,

(ix) That the owner enter into an access agreement with the Regional Municipality of Hamilton–Wentworth for any roadway improvements required on Mud Street as a result of this development; and,

(x) That the owner grant easements to the Regional Municipality of Hamilton–Wentworth in order to provide outlets for storm and sanitary drainage purposes as required; and,

(xi) That the owner provide to the Region a detailed comprehensive storm water management report which will address the impacts of development of the subject lands on adjacent lands and the downstream watercourse. This report must be prepared by a Professional Engineer and other specialized experts as required, and will determine storm water management measures that are to be utilized in order to mitigate any negative impacts such as erosion, sedimentation, changes in run-off regime etc. required as a result of this subdivision development; and,

(xii) That the owner make a cash-in-lieu of parkland dedication payment to the City of Hamilton as provided for under Section 51 of the Planning Act; and,

(xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,

(xiv) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Regional Commissioner of Planning and Development be advised of Council's decision.

5. **Application to Remove Part Lot Control - "Claudette Gardens, Phase 5" Subdivision**

The Committee was in receipt of a report dated 1994 November 24 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee approved the following:

(a) That the request of Mr. David A. Elliot, Solicitor for 800064 Ontario Inc. (A. DiSilvestro, President) owners, to establish maintenance easements by removing part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, 62M-760, be approved; and,

(b) That the by-law attached hereto and marked as Appendix "B" to remove part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, be enacted by Council; and,

(c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,

(d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

BUILDING COMMISSIONER

6. **Canadian Mental Health Association - Terminate Joint Rehabilitation Loan Program**

The Committee was in receipt of a report dated 1994 November 25 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

(a) That the City of Hamilton terminate the joint rehabilitation loan programme approved in 1986 with the Canadian Mental Health Association (C.M.H.A.). Funding for the programme was provided by the Ministry of Health to C.M.H.A., and was administered, at their request, by the Building Department; and,

(b) That the remaining funds of approximately $279,158. be returned to C.M.H.A. in order that they may implement a project with the Good Shepherd and further that on January 1, each year, the money collected on repayment be returned to C.M.H.A.

7. **Fee for Roofing Permits**

The Committee was in receipt of a report dated 1994 November 4 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That By-Law No. 93-167 to authorize building permits and fees be amended by deleting Item 3 from Schedule "A" (Permit for re-shingling of roof for single family dwelling - $75.).

DIRECTOR OF PUBLIC WORKS/DIRECTOR OF TRAFFIC SERVICES

8. **Westdale Village Business Improvement Area (B.I.A.) - Redevelopment of Traffic Islands located on the North and South Sides of King Street West between Paisley Avenue and Marion Avenue into Planting Islands**

The Committee was in receipt of a report dated 1994 December 1 from the Director of Public Works and the Director of Traffic Services respecting the above-noted matter.

Alderman Marvin Caplan declared a conflict of interest as he is a tenant in the Westdale Business Improvement Area and refrained from discussing or voting on this matter.

Considerable discussion ensued on this matter, and the Committee agreed to **table** the request to proceed with the Westdale Village Business Improvement Area's request for the development of the traffic islands at a cost of $18,000. pending a report on the total costs for the reconstruction of the traffic islands.

The Committee did however, approve the following:

> That the remaining costs associated with the implementation of the development of the traffic islands in the Westdale Village Business Improvement Area ($35,469.) be referred to the Transport and Environment Committee for review and consideration.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

9. **Endorsement of Ontario Heritage Act - Proposed Legislation**

The Committee was in receipt of a report dated 1994 November 9 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

The Committee approved the following:

(a) That City Council reaffirm its endorsement of the proposed legislation regarding The Ontario Heritage Act; and,

(b) That a letter be sent to The Honourable Anne Swarbrick, Minister of Culture, Tourism and Recreation, urging the passing of this legislation, with copies being sent to the area M.P.P.'s.

10. **CN Station, 360 James Street North (241 Stuart Street) - Designation**

The Committee was in receipt of a report dated 1994 November 11 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the CN Station at 360 James Street North (241 Stuart Street) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "C"; and,

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

11. **Heritage Easement - Former Bank of Montreal Building**

The Committee was in receipt of a report dated 1994 December 5 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

The Committee approved the following:

(a) That a Heritage Permit be approved for exterior and interior alterations to the former Bank of Montreal building at 52 James Street South, based on plans submitted to the Local Architectural Conservation Advisory Committee on 1994 December 5, to accommodate the Monopoli Restaurant and Nightclub; and,

(b) That because of the proposed opening date of 1994 December 31, any further modifications to heritage features be subject to the approval of the Local Architectural Conservation Advisory Committee and/or the Research Sub-Committee.

12. **CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**

Accessibility of Public Parks within the Central Area

The Committee was in receipt of a report dated 1994 November 23 from the Chairperson, Central Area Plan Implementation Committee respecting the above-noted matter.

The Committee approved the following:

That the report dated 1994 November 23 from the Chairperson, Central Area Plan Implementation Committee respecting accessibility of public parks within the Central Area be forwarded to the Parks and Recreation Committee and the West Harbourfront Development Steering Committee for appropriate action.

13. **CONSENT AGENDA**

A. **ADOPTION OF MINUTES**

The Committee was in receipt of the Minutes of the Planning and Development Committee for its meeting held 1994 November 2. These Minutes were adopted as circulated.

B. **BUILDING COMMISSIONER**

(i) **Hamilton Emergency Loan Programme - 27 Mill Street**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and sixty-one dollars ($961.) be approved for Mary Facca, 27 Mill Street. The interest rate will be 8 per cent amortized over 5 years.

(ii) **Hamilton Emergency Loan Programme - 200 Lynbrook Drive**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-one dollars ($1,391.) be approved for Benito and Clara Capitanio, 200 Lynbrook Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(iii) **Hamilton Emergency Loan Programme - 313 Cranbrook Drive**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Sills and Victoria Thomas, 313 Cranbrook Drive. The interest rate will be 8 per cent amortized over 5 years.

(iv) **Hamilton Emergency Loan Programme - 76 Robins Avenue**

The Committee was in receipt of a report dated 1994 November 21 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred dollars ($1,400.) be approved for Gladys Wilkinson, 76 Robins Avenue. The interest rate will be 8 per cent amortized over 5 years.

(v) **Hamilton Emergency Loan Programme - 304 Vansitmart Avenue**

The Committee was in receipt of a report dated 1994 November 21 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Ann Larocque, 304 Vansitmart Avenue, The interest rate will be 8 per cent amortized over 5 years.

(vi) **City of Hamilton Heritage Programme - 124 MacNab Street South**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

(a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman and MacNab Terrace Limited for 124 MacNab Street South, in the amount of four thousand, two hundred and sixty-two dollars ($4,262.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,

(b) That the Building Department, Loans Division, be directed to process a Designated Property Grant to John Jeffrey Steadman and MacNab Terrace Limited, owner of 124 MacNab Street South, in the amount of four thousand and thirty-eight dollars ($4,038.).

(vii) **City of Hamilton Heritage Programme - 126 MacNab Street South**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

(a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman for 126 MacNab Street South, in the amount of five thousand and eight-seven dollars ($5,087.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,

(b) That the Building Department, Loans Division, be directed to process a Designated Property Grant to John Jeffrey Steadman, owner of 126 MacNab Street South, in the amount of four thousand, eight hundred and thirty-seven dollars ($4,837.).

(viii) **City of Hamilton Heritage Programme - 112 Aberdeen Avenue**

The Committee was in receipt of a report dated 1994 November 29 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

(a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to Keltie Lynn Law, in the amount of two thousand, seven hundred and eighty-nine dollars ($2,789.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,

(b) That the Building Department, Loans Division, be directed to process a Designated Property Grant to Keltie Lynn Law, owner of 112 Aberdeen Avenue, in the amount of two thousand, five hundred and ninety dollars ($2,590.).

(vix) **Demolition Permit - 452 Burlington Street East**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 452 Burlington Street East in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(x) **Demolition Permit - 574 Burlington Street East**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 574 Burlington Street East in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(xi) **Demolition Permit - 192 Gage Avenue South**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 192 Gage Avenue South in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(xii) **Demolition Permit - 194 Gage Avenue South**

The Committee was in receipt of a report dated 1994 November 24 from the Building Department respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 194 Gage Avenue South in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(xiii) **Demolition Permit - 196 Gage Avenue South**

The Committee was in receipt of a report dated 1994 November 23 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 196 Gage Avenue South in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(xiv) **Demolition Permit - 52 Holly Avenue**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 52 Holly Avenue in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(xv) **Demolition Permit - 537 Wentworth Street North**

The Committee was in receipt of a report dated 1994 November 24 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 537 Wentworth Street North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

The Committee was in receipt of a report dated 1994 November 30 from the Secretary, Planning and Development Committee respecting various Information Items that have been previously distributed to Committee Members.

The Committee approved the following:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

a) Local Architectural Conservation Advisory Committee Minutes - 1994 October 13

b) Central Area Plan Implementation Committee Minutes - 1994 October 14

c) Information Report dated 1994 November 28 from the Building Commissioner respecting 1994 Year End Projections - Building Department

d) Information Report dated 1994 November 22 from the Commissioner of Planning and Development and the Director of Local Planning respecting a Niagara Escarpment Conformity Zoning Exercise

e) Information Report dated 1994 November 29 from the Commissioner of Planning and Development and the Director of Local Planning respecting Approved Site Plan Control Applications

14. **PRIVATE AND CONFIDENTIAL AGENDA**

Demolition Permit - 98 Ward Avenue

The Committee adjourned to meet **in camera** to discuss matters of a private and confidential nature.

The Committee reconvened in open session and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 98 Ward Avenue.

Alderman Caplan and Alderman Copps wished to be recorded as opposed to this motion.

15. **OTHER BUSINESS**

(a) **Appointment of Planning and Development Committee Representative to the West Harbourfront Development Steering Committee**

Alderman Charters advised the Committee that the Parks and Recreation Committee at its meeting held 1994 December 6 recommended that the terms of office of the current members of the West Harbourfront Development Steering Committee be extended to coincide with the completion of the West Harbourfront Development Study and also that Alderman McCulloch was appointed as the elected representative of the Parks and Recreation Committee to serve on the Steering Committee.

It was suggested that the Planning and Development Committee should also appoint a representative to serve on this Steering Committee and the Committee approved the following:

That the Parks and Recreation Committee appoint Alderman Bob Charters as a Planning and Development Committee representative to serve on the West Harbourfront Development Steering Committee for a term to expire with the completion of the West Harbourfront Development Study.

(b) **Niagara Escarpment Commission - Letter re: Removal of Development Control for Lands Designated "Urban Areas"**

Alderman Charters expressed his concerns respecting Item 13. C. (d), an Information Report dated 1994 November 22 from the Commissioner of Planning and Development and the Director of Local Planning respecting a Niagara Escarpment Conformity Zoning Exercise and the Committee approved the following:

That a letter be sent to the Niagara Escarpment Commission and the Minister of the Environment to express Council's concerns respecting the unfair treatment received as a result of the Niagara Escarpment Commission's decision respecting the removal of Development Control for those lands designated "Urban Areas" in the Niagara Escarpment Plan for the City of Hamilton.

c) **Neighbourhood Plans - Parkview East and West**

At Alderman Copps' request, the Committee approved the following:

That Planning and Development Department Staff be directed to review and consider the preparation of the Neighbourhood Plans for Parkview East and West in its 1995 Work Program.

16. **ADJOURNMENT**

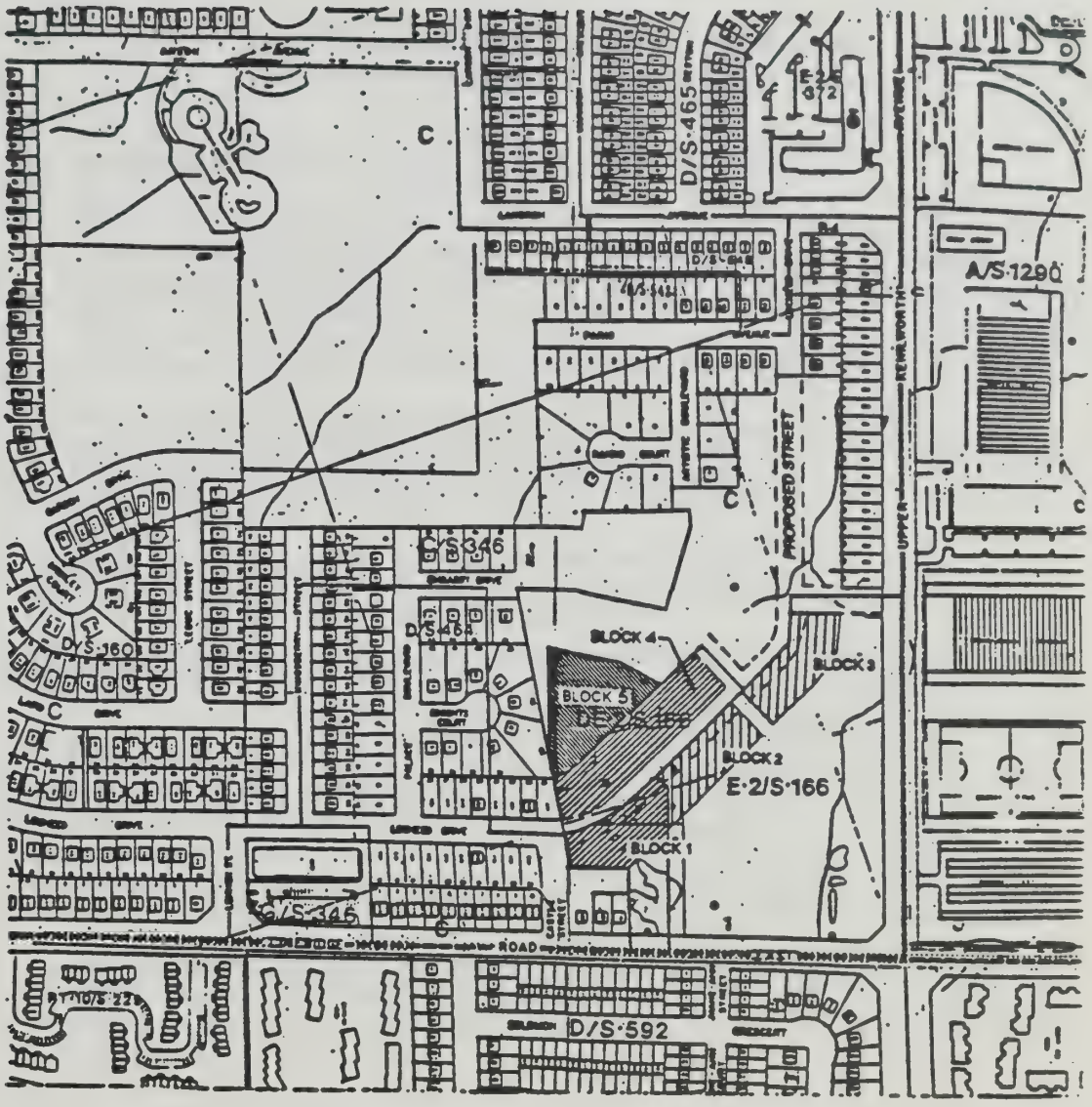
Taken as read and approved,

Alderman Don Drury, Chairperson
Planning and Development Committee

Charlene Touzel
Secretary

/br

Appendix "A" as referred to in
Item 2. 1. (a) of the Minutes
of the Planning & Development
Committee for 1994 December 7



LEGEND

Proposed Changes in Zoning From:

BLOCKS 1 and 4		"DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District.
BLOCKS 2 and 3		"E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 5		"DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.

AMENDED
ZAO-93-26

Appendix "B" as referred to in Item 5 (b) of the Minutes of the Planning & Development Comm. for 1994 December 7

Bill No. C-7

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Remove
Land within the Claudette Gardens, Phase 5 Subdivision, Plan 62M-760
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

   Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, within Registered Plan Number 62M-760, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1994.

CITY CLERK **MAYOR**

This Bylaw is approved pursuant to section 50(7),the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1994.

_____
Commissioner of Planning and Development of The Regional Municipality of Hamilton-Wentworth

Appendix "C" as referred to in Item 10 (a) of the Minutes of the Planning & Development Committee for 1994 December 7

REASONS FOR DESIGNATION

Canadian National Railway Station (CN)
360 James Street North (241 Stuart Street)

Context

Erected in 1929–31 along Hamilton's oldest rail corridor, the grand CN Station occupies a prominent site at the north–east corner of James and Murray. It effectively anchors the northern edge of the historic James North business district and provides convenient access to the North End residential neighbourhood and west harbourfront via the two contemporary road bridges flanking the station complex. One block to the west on Stuart Street overlooking the CN corridor and waterfront stands another city landmark: the 1850s stone Custom House.

The high visibility of the CN Station stems from the open space surrounding it on all four sides: notably, the original grass–covered plaza in front, which provides an unobstructed view of its impressive Beaux Arts facade. The monumental Doric portico boldly expresses the station's gateway function as a link between cities.

History

The predecessor of the CN Station, built in 1875 for the Great Western Railway and located west of Bay Street, was acquired by the Canadian National Railways in 1923. The construction of the James North station complex and five new bridges over the lowered tracks was initiated to replace the inadequate existing facilities and also to provide a more convenient terminal with improved traffic circulation and freight/ passenger services. Erected during a deep financial depression just as rail freight and passenger traffic was beginning a serious decline, Hamilton's long–awaited new facility rose as a symbol of CNR's early prosperity and optimism. The year of its completion, Canadian National's principal rival, the Toronto, Hamilton and Buffalo Railway, commenced construction of an equally impressive terminal and headquarters building south of the downtown core on Hunter Street East. Increasingly underutilized in recent years, the CN Station continued to serve as a passenger terminal for VIA Rail until 1992 and for GO Transit until 1993, when the building was finally closed. The GO trains, however, continue to use this stop while extensive renovations are in progress to convert the former TH&B Station to the new Hamilton GO Centre, scheduled to open in 1995.

Architecture

The CN complex consists of three main masses: the two–storey station with two lower levels opening onto the south embankment of the rail cut, the concourse extending from the rear of the main floor lobby out over the tracks, and the one–storey express building on the east side at track level. Designed by CNR architect, John Schofield, the Hamilton station represents a relatively late example of Beaux Arts Classicism, distinguished by its restrained elegance. A strong stylistic precedent for the design of major Canadian railway stations in this style was established by Ottawa's Union Station of 1908–10 followed by Toronto's Union Station,

designed in 1913–14 and completed in 1920. Characteristic of the best Beaux–Arts stations, the imposing architectural treatment of both the exterior and interior public areas of the Hamilton terminal is skilfully integrated with a clear axial plan, which accommodates equally well the passenger and operational functions. The main floor was designed for smooth traffic flow from the entrance lobby to the concourse, with services located in the lateral axes. The concourse set at right angles to the main station provided easy access to the trains by means of six stairways (including three ramps on the east side) running parallel to the passenger platforms.

Typical of Beaux–Arts buildings erected in Canada during the early twentieth century, the CN Station displays classically–inspired detailing and rich materials fused with contemporary Canadian motifs. The symmetrical two–storey facade, clad in Queenston limestone, is dominated by a central entrance portico with four massive Doric columns supporting an entablature and pediment. Above the three doorways are ornamental bronze grilles and bas relief stone panels depicting transportation scenes across Canada, carved by Hamilton artist William Oosterhoff. The intermediate wings display incised panels with stylized images of the various modes of transportation while the projecting end pavilions echo the classical treatment of the portico. The two pedimented doorways are flanked by pairs of pilasters supporting an entablature, which encircles the building.

Visitors are drawn by a strong visual axis through the main entrance lobby to the concourse. The stately grandeur of the lobby, featuring a terrazzo floor, marble wainscoting, Ionic half–columns and pilasters, a coffered ceiling, large skylights, bronze grillework and two bronze lanterns, contrasts with the modern simplicity of the concourse: practical glazed brick on the lower walls, exposed steel trusses, unobstructed floor space, and an abundance of direct natural light.

Along with the former Bank of Montreal (1928–9) and the former Hamilton Public Library (1913), the CN Station is one of Hamilton's finest surviving Beaux–Arts Classical buildings. As one of Schofield's most successful station designs, it ranks among Canada's most distinguished early 20th century railway stations of comparable size and has been recognized accordingly through designation under the Federal Heritage Railway Stations Protection Act.

Designated Features

Important to the preservation of the CN Station are:

1. the original features of all four facades of the main building and attached concourse, including the limestone and brick masonry walls; original windows and doors (some of which, including the front entrance doors have been replaced); the pedimented portico; the ornamental stone and bronze work; and the two remaining ramp and stair wells at the north end of the concourse.

2. the original features of the main floor lobby areas (main, ante and check lobbies) and ramp, including the terrazzo flooring, decorative coffered ceilings, marble wainscoting, classical columns and motifs, ornamental bronzework; and the undivided open space of the concourse, with its glazed brick, large windows and visible roof trusses.

B(i)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 8 1994

DATE: 1994 December 6

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
50 Robins Avenue (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and forty-nine dollars ($349.) be approved for William and Karen Codd, 50 Robins Avenue. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured be a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Codd, 50 Robins Avenue in the amount of $349. The electric meter has been repaired, and the Department recommends approval in the amount of $349 at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON

- RECOMMENDATION -

B(ii)

DATE: 1994 December 16 DEC 2 0 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
37 DICKSON STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 37 Dickson Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	K/S-727 (Map E-20)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Burlington Street Widening Project
BRIEF DESCRIPTION:	Owner wishes demolish two storey frame house as land is required for road widening purposes. No LACAC interest. Lot size 20' x 93'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(iii)

DATE: 1994 December 16

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

DEC 2 0 1994

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
80 HILLYARD STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 80 Hillyard Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	K/S-727 (Map E-20)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Burlington Street Widening Project
BRIEF DESCRIPTION:	Owner wishes to demolish existing 1½ storey frame house as land is required for road widening purposes. No LACAC interest. Lot size 66' x 100'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(iv)

DATE: 1994 December 16

DEC 2 0 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
535 WENTWORTH STREET NORTH
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 535 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	K/S-727 (E-11)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Burlington Street Widening Project
BRIEF DESCRIPTION:	Owner wishes to demolish existing 2 storey brick dwelling as land is required for road widening purposes. No LACAC interest. Lot size 23' x 87'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

C(i)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 15

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; International Village Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

Wolfgang Schoen	Black Forest Inn
Paul Kircos	Alexanian Carpets
Gord Thompson	Thompson Jewellery and Pawn
John Kenyon	Payne Music
Jason Kropf	Rave Records
Pat J. Connell	Canadian Imperial Bank of Commerce
Agostino Ammendolia	Ammendolia Realty

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-212 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the International Village B.I.A. at its Annual General Meeting held on 1994 December 06, elected a new Board of Management.

HM:hm

c.c. Mrs. M. Pocius, Executive Director
International Village B.I.A.

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

CITY OF HAMILTON

- RECOMMENDATION -

C(ii)

DEC 2 0 1994

DATE: 1994 December 14

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: International Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the 1995 operating budget of the International Village B.I.A. (attached as Appendix 'A') be approved in the amount of forty-six thousand, three hundred and seventy-six dollars ($46,376.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 01	$23,188.
September 01	$23,188.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of forty-six thousand, three hundred and seventy-six dollars ($46,376.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this forty-six thousand, three hundred and seventy-six dollar ($46,376.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 December 06, the International Village B.I.A. adopted a budget of forty-six thousand, three hundred and seventy-six dollars ($46,376.).

HM:hm

c.c. Mrs. M. Pocius, Executive Director
International Village B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

INTERNATIONAL VILLAGE B.I.A.
APPROVED BUDGET - 1995
(January 01-December 31, 1995)

OPERATIONS:	Gross	Recovery*	Net
Office Costs	$ 3,500.	$ 2,000.	$ 1,500.
Utilities/Telephone	1,400.	900.	500.
Supplies	1,500.	1,000.	500.
Bank Charges	450.	200.	250.
	$ 6,850.	$ 4,100.	$ 2,750.
WAGES:			
Executive Director	$20,000.	$ 6,000.	$14,000.
Wage Costs	2,300.		$ 2,300.
	$22,300.	$ 6,000.	$16,300.
Training		2,250.	(2,250.)
	$22,300.	$ 8,250.	$14,050.
Insurance	$ 1,000.		$ 1,000.
Audit	300.		300.
Advertising & Promotion:			
Print	3,500.		3,500.
Radio	3,500.		3,500.
Promotion	8,000.	1,724.	5,800.
	$16,300.	$ 1,724.	$14,576.
Allowance on uncollected '94 Levy	$15,000.		$15,000.
	$60,450.	**$13,350.**	**$46,376.**

* Based on 3 Job Development Clients May to December

C(iii)

DEC 2 0 1994

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 19

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; Westdale Village Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedule 'A' and 'B' of By-law No. 86-98, as amended, appointing the Westdale Village B.I.A. Board of Managment, be repealed and the following names substituted:

SCHEDULE 'A'
Alderman M. Kiss
Alderman M. Caplan

SCHEDULE 'B'

D. Upsdell	Oddities
S. Snider	The Picture Frame
F. Wands	Retirement Counsel of Canada
M. B. Ledden	Judy Marsales Real Estate
R. Lahie	Jack Carruth Shoe Store
G. Ditner	Cottage Florist
D. Simpson	Simpson Watson and Vujnovic
J. Rosenweig	Chez Bon Bon

2. That the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law 86-98 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the Westdale Village B.I.A. at its Annual General Meeting held on 1994 November 02 elected a new Board of Management.

HM:hm

c.c. Mr. D. Upsdell, Chairman
Westdale Village B.I.A.

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. Z. Zuidema, Solicitor

C(iv)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 19

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the 1995 operating budget of the Westdale Village B.I.A. (attached as Appendix 'A') be approved in the amount of twenty-five thousand dollars ($25,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 15	$6,250.
March 15	$6,250.
June 15	$6,250.
September 15	$6,250.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of twenty-five thousand dollars ($25,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this twenty-five thousand dollar ($25,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 November 02, the Westdale Village B.I.A. adopted a budget for twenty-five thousand dollars ($25,000.)

HM:hm

c.c. Mr. D. Upsdell, Chairman
Westdale Village B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

WESTDALE VILLAGE B.I.A.
APPROVED 1995 BUDGET

Office & Internal Expenses	$2,500.
Advertising	$3,000.
Sidewalk Sale	$2,000.
Insurance	$ 500.
Hydro	$ 500.
Auditor	$ 500.
Beautification	$2,000.
Christmas Decorations	$1,500.
Walk of Hope	$1,000.
Festival	$4,000.
Allowance on uncollected '94 levies	$7,500.
TOTAL	**$25,000.**

C(v)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 19

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; Main West Esplanade Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedules 'A' and 'B' of By-law No. 92-078, as amended, appointing the Main West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'A'
Alderman M. Kiss
Alderman M. Caplan

SCHEDULE 'B'

M. Farrugia	Calla Decor and Design
A. Perniac	Lorne Haverty Limited
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard Speziale Design Associates Ltd.

2. That the City Solicitor be authorized and directed to amend Schedules 'A' and 'B' of By-law No. 92-078 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the Main West Esplanade B.I.A. at its Annual General Meeting held on 1994 November 22, elected a new Board of Management.

HM:hm

c.c. Mrs. M. Farrugia, Chairperson
Main West Esplanade

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

C(vi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 19 DEC 2 0 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Main West Esplanade Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the 1995 operating budget of the Main West Esplanade B.I.A. (attached as Appendix 'A') be approved in the amount of four thousand, four hundred dollars ($4,400.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 15	$1,100.
March 15	$1,100.
June 15	$1,100.
September 15	$1,100.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of four thousand, four hundred dollars ($4,400.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this four thousand, four hundred dollar ($4,400.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 November 22, the Main West Esplanade B.I.A. adopted a budget of four thousand, four hundred dollars ($4,400.).

HM:hm

c.c. Mrs. M. Farrugia, Chairperson
Main West Esplanade B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

MAIN WEST ESPLANADE B.I.A.
APPROVED 1995 BUDGET

Christmas Decorations	$1,800.
Insurance	$ 500.
Auditor	$ 400.
Hydro	$1,400.
Meeting Costs	$ 300.
	$4,400.

C(vii)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 12

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; Barton General Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedule 'A'and 'B' of By-law No. 87-308, as amended, appointing the Barton General B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'A'
Alderman B. Morelli
Alderman D. Drury

SCHEDULE 'B'

Keith Cody	Cody's Wallcoverings
Marko Tollis	The Riveria Banquet Centre
Janice Robinson	Royal Bank
Mark Daily	Marco's Pizza and Subs

2. That the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law No. 87-308 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the Barton General B.I.A. at its Annual General Meeting held on 1994 November 30, elected a new Board of Management. Keith Cody, Cody's Wallcoverings, Marco Tollis, the Riveria Banquet Centre and, Janice Robinson, the Royal Bank, were re-appointed to the Board of Management. Mark Daily, Marco's Pizza and Subs, was appointed as a new member of the Board.

HM:hm

c.c. Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

C(viii)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 9

REPORT TO: Charlene Touzell, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Barton General Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the 1995 operating budget of the Barton General B.I.A. (attached as Appendix 'A') be approved in the amount of six thousand dollars ($6,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 01	$1,500.
March 01	$1,500.
June 01	$1,500.
September 01	$1,500.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

Lobo.

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the Barton General B.I.A. at its Annual General Meeting held on 1994 November 30, elected a new Board of Management. Keith Cody, Cody's Wallcoverings, Marco Tollis, the Riveria Banquet Centre and, Janice Robinson, the Royal Bank, were re-appointed to the Board of Management. Mark Daily, Marco's Pizza and Subs, was appointed as a new member of the Board.

HM:hm

c.c. Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

C(viii)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 9

REPORT TO: Charlene Touzell, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Barton General Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the 1995 operating budget of the Barton General B.I.A. (attached as Appendix 'A') be approved in the amount of six thousand dollars ($6,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 01	$1,500.
March 01	$1,500.
June 01	$1,500.
September 01	$1,500.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

D. Lobo.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of six thousand dollars ($6,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this six thousand dollar ($6,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 November 30, the Barton General B.I.A. adopted a budget of six thousand dollars ($6,000.) for 1995.

HM:hm

c.c. Mr. K. Cody, Chairman
Barton General B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

BARTON GENERAL B.I.A. - 1995 APPROVED BUDGET

ITEM	AMOUNT
Street Festival	$4,000.
Advertising	$1,000.
Hall Rentals and Lunches	$ 500.
Contingency Fund	$ 500.
TOTAL	**$6,000.**

C(ix)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 13

DEC 2 0 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; Ottawa Street Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedule 'A' and 'B' of By-law No. 86-99, as amended, appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'A'

Alderman B. Morelli
Alderman D. Drury
Alderman G. Copps
Alderman D. Wilson

SCHEDULE 'B'

Gord Culshaw	A & B Catering
Michael Kier	Surplus-Plus
Gerald R. Carrey	Howard's Flower Shoppe
John Gut	The Textile Centre
John Driscoll	Price Busters
Edith Desmarais	Fred Gregory Florist
Rosemary Young	Wentworth Paints
Greta Munt	Greta's Flaire
Herb Pelz	E-Z Type Design
Tony Bifano	Anton's Video

2. That the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law No. 86-99 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the Ottawa Street B.I.A. at its Annual General Meeting held on 1994 November 08, elected a new Board of Management.

HM:hm

c.c. Mr. G. Culshaw, Chairman
Ottawa Street B.I.A.

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

C(x)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 13

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payment for 1995.

RECOMMENDATION:

1. That the 1995 operating budget for the Ottawa Street B.I.A. (attached as Appendix 'A') be approved in the amount of forty-seven thousand, five hundred dollars ($47,500.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 15	$11,875.
March 15	$11,875.
June 15	$11,875.
September 15	$11,875.

Note: 1994 levy arrears will be deducted from the payments for 1995.

Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of forty-seven thousand, five hundred dollars ($47,500.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this forty-seven thousand, five hundred dollar ($47,500.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 November 08, the Ottawa Street B.I.A. adopted a budget of forty-seven thousand, five hundred dollars ($47,500.) for 1995.

HM:hm

c.c. Mr. G. Culshaw, Chairman
Ottawa Street B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

OTTAWA STREET B.I.A.
1995 APPROVED BUDGET

Advertising:			
Christmas	**$3,500.**		
Summmer Festival	**$4,500.**		
Special Promotions	**$2,500.**		
			$10,500.
Contingency Fund:	**$20,000.**		**$20,000.**
Garbage Removal:	**12 x $100.**		**$ 1,200.**
Insurance:	**$900.**		**$ 900.**
Office:			
Printing	**$2,500.**		
Administration	**$1,000.**		
Rent	**$1,200.**		
Utilities	**$1,200.**		
Telephone	**$ 800.**		**$ 6,700.**
Street Cleaner's Wages:	**35 x $180.**	**$6,300.**	
Street Cleaner's Benefits:	**15% (wages)**	**$ 945.**	
Street Cleaner's Supplies:		**$ 955.**	**$8,200.**
	TOTAL		**$47,500.**

CITY OF HAMILTON

- RECOMMENDATION -

C(xi)

DATE: 1994 December 19

DEC 2 0 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; Downtown Hamilton Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 86-73, as amended, appointing the Downtown Hamilton B.I.A. Board of Managment, be repealed and the following names substituted:

R. Titian	Reggie's Music and Sound
G. Attard	Geraldo's/Ramada Hotel
D. Kinash	Gaslight Tavern
T. Fraleigh	Tefcom Ltd./Grindstone Properties
P. Bhatia	Accountax and Paralegal
W. Gerovsky	Leeds of Hamilton
A. Morgante	Adventure Attic
M. Caplan	Marvin Caplan Gentlemen's Apparel
J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
D. Hannah	Canadian Imperial Bank of Commerce

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-73 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him" the Downtown Hamilton B.I.A. at its Annual General Meeting held 1994 December 14, elected a new Board of Management.

HM:hm

c.c. Mr. G. McTaggart, Executive Director
Downtown Hamilton, B.I.A.

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

C(xii)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 19

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the operating budget of the Downtown Hamilton B.I.A. (attached as Appendix 'A') be approved in the amount of eighty-four thousand dollars ($84,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 15	$21,000.
March 15	$21,000.
June 15	$21,000.
September 15	$21,000.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eighty-four thousand dollars ($84,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eighty-four thousand dollars ($84,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 December 14, the Downtown Hamilton B.I.A. adopted a budget of eighty-four thousand dollars ($84,000.).

HM:hm

c.c. Mr. G. McTaggart, Executive Director
Downtown Hamilton B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

DOWNTOWN HAMILTON B.I.A.
APPROVED 1995 BUDGET

General Administration	$29,000.
Fountain Foundation	$10,000.
Strategic Plan	$ 4,000.
Committee Fund	$20,000.
Reserve	$21,000.
TOTAL	**$84,000.**

C(xiii)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 19

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Revised Board of Management; Concession Street Business Improvement Area (B.I.A.) - 1995-1997.

RECOMMENDATION:

1. That Schedules 'A' and 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be repealed and the following names substituted:

   SCHEDULE 'A'
   Alderman H. Merling
   Alderman T. Anderson

   SCHEDULE 'B'

Betty Toplack	Mountain Bookstore
Ray Devries	Ford & Associates
Roger Burroughs	Camtech
Norm Woolcott	Woolcott's Shoes

2. That the City Solicitor be authorized and directed to amend Schedules 'A' and 'B' of By-law No. 86-144 pursuant to (1.) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

In accordance with Section 220, Sub-section 7 of the Municipal Act which states "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him", the Concession Street B.I.A. at its Annual General Meeting held on 1994 November 15, elected a new Board of Management.

HM:hm

c.c. Mrs. B. Toplack, Chairperson
Concession Street B.I.A.

Ms. P. Noe Johnson, City Solicitor
Law Department
Attn: Mr. A. Zuidema, Solicitor

C(xiv)

CITY OF HAMILTON

- RECOMMENDATION -

DEC 2 0 1994

DATE: 1994 December 19

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1995.

RECOMMENDATION:

1. That the 1995 operating budget of the Concession Street B.I.A. (attached as Appendix 'A') be approved in the amount of eight thousand, five hundred and seventy-five dollars ($8,575.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (1.) above; and,

3. That the following Schedule of Payments for 1995 be approved:

January 15	$2,143.75
March 15	$2,143.75
June 15	$2,143.75
September 15	$2,143,75

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eight thousand, five hundred and seventy-five dollars ($8,575.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eight thousand, five hundred and seventy-five dollar ($8,575.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 November 15, the Concession Street B.I.A. adopted a budget of eight thousand, five hundred and seventy-five dollars ($8,575.)

HM:hm

c.c. Mrs. B. Toplack, Chairperson
Concession Street B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

CONCESSION STREET B.I.A.
APPROVED 1995 BUDGET

Advertising and Promotion	
Installation & Storing of Christmas Decorations	4,000.
Hydro - Christmas Lights	800.
Advertising and Promotion	2,425.
	7,225.
Administration	
Association Dues	400.
Insurance	550.
Accounting	300.
Bank Charges	100.
	1,350.
Office	
Newsletter	500.
Other	
Miscellaneous	500.
	$9,575.

D

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 December 20

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

a) Information Report dated 1994 December 19 from the Commissioner of Planning and Development and the Director of Local Planning respecting approved Site Plan Control Applications

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above-noted report has been sent out to members of the Committee and the applicable staff for information purposes, and is being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that it is recorded in the Minutes for future reference.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL

JAN 23 1995

GOVERNMENT DOCUMENTS

Planning and Development Committee

Wednesday, 1995 January 25
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 94-31, The Regional Municipality of Hamilton-Wentworth, owner, for a modification to the established "AA" District, for lands located at 680 Van Wagner's Beach Road.

   (a) Submission - John Peircy and Joan Baker, 6 Lake Pointe Place

   (b) Submission - Andrew Robert Wilgosh, 6 Lake Pointe Place

2. Zoning Application 94-27, Gerald Coleman and Robert Coleman, owners, for a change in zoning from "C" District to "HH" District, modified, for lands located at 71 Rymal Road West; Kennedy East Neighbourhood.

3. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   James South Stone Terrace, 142-160 James Street - Designation

4. **AD HOC COMMITTEE - DELETION OF DOWNTOWN PARKING LOTS**

   Deletion of "Public Parking Lots" in the Downtown Area (and in all CR Districts)

5. **CASH-IN-LIEU OF PARKING COMMITTEE**

Cash-in-Lieu of Parking - 1004-1006 King Street West (95.2.4.2.1.A)

DIRECTOR OF PUBLIC WORKS

6. Public Works Department, Community Renewal, Parks Division, 1995-2004 Provisional Capital Budget

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

7. Official Plan Review - Terms of Reference (OP-5YR(C)

8 1995 Work Program - Local Planning Branch of the Planning and Development Department

9. Planning and Development Department - 1995-2004 Provisional Capital Budget

BUILDING COMMISSIONER

10. Building Department - 1995-2004 Provisional Capital Budget

11. **CORRESPONDENCE**

(a) May, Pirie, Dakin & associates - Chedoke Health Corporation - OPA

(b) Information Report from Commissioner of Planning and Development/Director of Local Planning re Mountview Neighbourhood Request for Mediation on behalf of Chedoke Health Corporation

12. **CONSENT AGENDA**

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CA Report dated 1993 Mar 11
4.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
5.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
6.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applica resubmit amended application.
7.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
8.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decisi re: ZAC93-43, Front of Upper Sherman Avenu
9.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Repor
10.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircula if application is modifie
11.	Official Plan Review	1994 October 5	Planning	Staff to prepare Terms Reference including iss to be studied, timing a costs
12.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
13.	Deletion of Public Parking Lots as Permitted Uses in Downtown Area and "CR" Districts	1994 October 5	Planning	Ad-hoc Committee established - Planning Department to work wi various interest groups study proposal

14.	Billiard Halls - Review Planning Approach	1994 November 2	Planning	Planning to report back on planning approach and restrictions to billiard halls
15.	Albion Falls Modified Neighbourhood Plan Review	1994 November 2	Planning	Staff to hold public meeting and report back at 1994 December or 1995 January meeting
16.	Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue	1994 December 7	Public Works and Traffic	Staff to report back on total costs for the reconstruction of the traffic islands
17.	CI94B - Review of large vehicles (including RV's) in Residential Zoning Districts	1995 January 4	Planning and Building	Tabled - Staff to review Option 2 of report, receive public input. Public meeting to be held in May. No action to be taken on list of complaints and zoning by-law 6593 not to be enforced re RV's until after resolution in May.

1995 January 19

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 17
ZAR-94-31
Confederation Park 'B' Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a modification in zoning for lands located at 680 Van Wagner's Beach Road.

RECOMMENDATION:

That approval be given to Zoning Application 94-31, The Regional Municipality of Hamilton-Wentworth, owner, requesting a modification to the established "AA" (Agricultural) District regulations, to permit a penny arcade with a maximum of 30 machines, for property located at 680 Van Wagner's Beach Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variance as a special requirement:

   a) That notwithstanding Section 7A.(1)(c) of Zoning By-law No. 6593, a penny arcade with a maximum of 30 machines shall be permitted accessory to the public use of a theme park;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-121 and E-122 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Maps E-121 & E-122 for presentation to City Council; and,

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a modification to the established "AA" (Agricultural) District regulations, for property located at 680 Van Wagner's Beach Road, as shown on the attached map marked APPENDIX "A".

The effect of the by-law is to permit a penny arcade with a maximum of 30 machines accessory to the existing Confederation Park - Wild Waterworks Water Theme Park.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The Hamilton Region Conservation Authority has applied for a modification to the established "AA" (Agricultural) District regulations, to permit a Penny Arcade with a maximum 30 machines accessory to the existing Confederation Park - Wild Waterworks Water Theme Park.

- Committee of Adjustment Application 94-76

  The Committee of Adjustment, at its meeting of May 25, 1994, denied an application to permit the establishment of a video arcade use within the existing concession building of Wild Waterworks Theme Park. The Committee was of the opinion that the relief requested was beyond that of a minor nature.

APPLICANT:

The Hamilton Region Conservation Authority, agent.

The Regional Municipality of Hamilton-Wentworth, owner.

LOT SIZE AND AREA:

- 290.0 m (951 ft.) of lot frontage;
- 190.0 m (623 ft.) of lot depth; and,
- 5.5 ha (13.6 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Confederation Park Wild Waterworks Water Theme Park	"AA" (Agricultural) District
Surrounding Lands		
to the north	Lake Ontario	N/A
to the west, east	Confederation Park	"AA" (Agricultural) District
and south	North Service Road and Queen Elizabeth Way	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated ***Open Space*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.4.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

A.2.4.2 The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.

A.2.4.7 Council will ensure that recreational oriented development within areas designated as OPEN SPACE will be designed so as to complement the natural environment."

The area is also located within Special Policy Area 10 on Schedule "B" - Special Policy Areas. The following policy should be noted:

"A.2.9.3.8 Within SPECIAL POLICY AREA 10 and 10a, identified on Schedule "B", the following policies will apply:

i) Within SPECIAL POLICY AREA 10, Council will ensure that appropriate

shoreline protection measures as may be prescribed by the Ministries of Natural Resources and Environment and Energy will be taken to mitigate flooding, erosion and pollution."

The proposed games room is considered an ancillary use which supports the primary "Open Space" use. The proposal does not conflict with the intent of the Official Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Roads Department;
  - Traffic Department;
  - Licensing Administrator; and,
  - Union Gas.

- The Building Department has advised that:

  "A games room containing a maximum of thirty games is considered a penny arcade, which is not permitted in an "AA" Zoning District."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal can be supported for the following reasons:

   i) The penny arcade will be located within Confederation Park which is isolated from schools and residential uses by the Queen Elizabeth Way to the south;

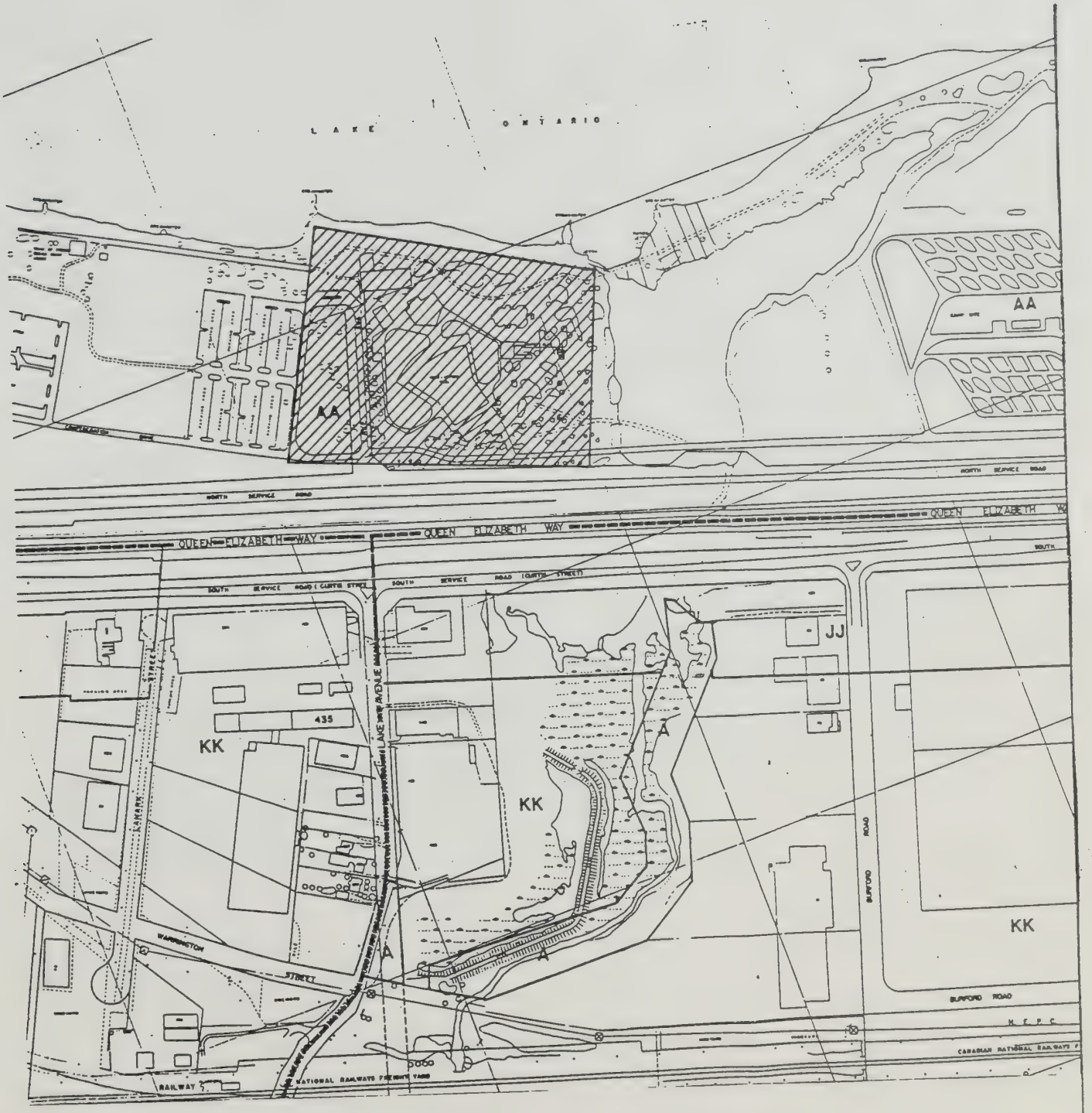
   ii) The penny arcade will be operated by the Hamilton Region Conservation as an accessory use to the recreational park (Wild Waterworks Water Theme Park) and will have the same hours of operation; and,

   iii) Penny Arcades are generally operated as an incidental use to recreational theme parks.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/jl
WPZAR9431



ZAR-94-31

Legend

Modification to the established "AA" (Agricultural) District

1 (a)

PROPOSED CHANGE - MODIFICATION TO THE ESTABLISHED AA(AGRICULTURAL) DISTRICT

PROPERTY DESCRIPTION NO. 680 VAN WAGNER BEACH ROAD

30 Machines IS A Lot We Thought the Pool WAS Expensive NOW, HOW CAN PARENTS AFFORD Money for THESE GAMES YET

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION IN ZONING

J. Barker J. Peircy SIGNED

PEIRCY JOHN OR OCCUPANT
BARKER JOAN
6 LAKE POINTE PL
HAMILTON ON
L8E 4P8

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4768

FILE-ZAR94-31 SEQ-00209

1 (6)

PROPOSED CHANGE - MODIFICATION TO THE ESTABLISHED AA(AGRICULTURAL) DISTRICT

PROPERTY DESCRIPTION NO. 680 VAN WAGNER BEACH ROAD

This is A park Not Disneyland, or Downtown Lots Not Get Carried away

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION IN ZONING

..... SIGNED

WILGOSH ANDREW ROBERT
6 LAKE POINTE PL
HAMILTON ON
L8E 4P8

PLEASE DIRECT INQUIRIES TO

OFFICE OF THE CITY PLANNING DEPT. 546-4768

JAN 18 1995

FILE-ZAR94-31 SEQ-00210

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 17
ZAC-94-27
Kennedy East Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning - 71 Rymal Road West.

SECOND REPORT

RECOMMENDATION:

1. That amended Zoning Application ZAC-94-27, Gerald Coleman and Robert Coleman, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit the use of the subject land for a photographer's studio and one residential unit, for property located at No. 71 Rymal Road West, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

   i) the application conflicts with the intent of the official plan; and,

   ii) the application is considered to be premature pending land assembly or the provision of mutual right-of-ways to allow for comprehensive development to occur.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant has amended the application from the original request for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for lands located at No. 71 Rymal Road West to permit the use of the subject lands for a photographer's studio and one residential unit.

- January 8, 1995 Planning and Development Committee Meeting

  Planning and Development Committee, at its meeting of January 8, 1995, tabled the application in order that staff could meet with the applicant to address the applicant's concerns with regard to the mutual right-of-way. Planning staff had recommended approval of the application subject to the applicant being required to provide a mutual right-of-way with the adjacent lands to the east to the satisfaction of the Director of Traffic Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services as a condition of site plan approval.

  As it was not possible to reach an agreement regarding the mutual right-of-way, the applicant has subsequently amended the application to limit the range of permitted uses to a photographer's studio and one residential unit rather than a full "HH" (Restricted Community Shopping and Commercial) District zoning.

APPLICANT:

Gerald Coleman and Robert Coleman, owner.

LOT SIZE AND AREA:

- 18.29 m (60.00 ft.) of lot frontage on Rymal Road West;
- 60.96 m (200.00 ft.) of lot depth; and
- 1,114.96 m^2 (12,000 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single Detached Dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Commercial	"G-1" (Designed Shopping Centre) District, Modified
to the south	Single Detached Dwellings	"B" (Suburban Agricultural and Residential, etc.) District
to the east	Vacant	"HH" (Restricted Community Shopping and Commercial) District, Modified
to the west	Single Detached Dwelling	"C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial) District, Modified

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies would apply:

"A.2.2.1 The primary uses permitted in areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,

d) satisfy the provisions of Subsection A.2.1 and C.7

ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

A.2.2.16 While it is intended that any Commercial uses be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway commercial uses.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F"."

The subject lands are also located within Special Policy Area 31, for which the following policies are applicable:

"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as access, parking, architectural quality and design, and landscaping."

A photographer's studio is a permitted use in the commercial designation. However, the proposal does not comply with the intent of the Official Plan which is to encourage comprehensive redevelopment of commercially designated lands on matters such as parking and access, including the provision of mutual rights-of-way with adjacent lands. However, should the Committee approve the application, then an Official Plan Amendment will not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" in the approved Kennedy East Neighbourhood. The proposal complies with the intent of the Plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority;
  - Building Department; and,
  - Regional Planning Branch.

- In response to the initial application, the Traffic Department advised that:

  "The application to permit restricted community shopping and commercial uses is satisfactory. However, the applicant should be advised that the existing raised concrete medians on Rymal Road prevent left turns to and from the property and access to the property will be limited to right turns in and out only.

The lands to the east of the subject property are zoned "HH", restricted community shopping and commercial, and are currently being considered for a possible severance under application H-57-94. Our comments regarding that application included the recommendation that the property be developed as one comprehensive development to provide full directional access and to limit the number of access points along this section of Rymal Road.

Therefore, we recommend that this property be included in a land assembly with properties to the east in order to provide for a comprehensive development of the properties along this section of Rymal Road."

On November 15, 1994 the Regional Land Division Committee approved the Application for Consent for the lands to the east subject to, among other conditions, the establishment of a mutual right-of-way to the satisfaction of the City of Hamilton Traffic Department.

After reviewing the amended application, the Traffic Department reiterated their initial recommendation that the subject land be included in a land assembly with properties to the east in order to provide for a comprehensive development of the properties along this section of Rymal Road.

- The Roads Department has advised that:

"1. There are water services and separate sanitary and storm sewers available to service the subject lands.

2. The designated road allowance width of Rymal Road is 36.0m. In accordance with this designation, Reference Plan 62R-12162 was prepared outlining the lands required for road widening purposes. Therefore as a condition of development approval we recommend that Part 5 of Reference Plan 62R-12162 be dedicated to the Region for road widening purposes.

3. According to our records, lands at No. 71 and 75 Rymal Road West are still zoned residential. We also understand that the owners of lands at No. 75 Rymal Road have not submitted development applications for that property.

   As the applicant is aware, there is a raised concrete median island on Rymal Road, adjacent to the subject lands, which restricts access from the subject lands to right turns in and right turns out only. As you are also aware, we have reviewed a recent land severance application on lands to the east and our comments to the Land Division Committee recommended that rights-of-ways be registered on title to provide shared access between the two lots to be severed. It is desirable to consolidate development on this section of Rymal Road and

reduce the number of access points to Rymal Road. In reviewing this application, we recommended that as a condition of approval that the owner of these lands establish mutual rights-of-ways for shared access to lands to the east. These rights-of-ways must be to the satisfaction of the Director of Traffic Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services.

4. We recommend that these lands be developed through site plan control at which time we will submit more detailed comments on setbacks, grading, access, etc.

5. In the absence of any details shown, we advise that any works which may occur within the Rymal Road West road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law. Further, all setbacks must be taken from the widened limits of Rymal Road."

After reviewing the amended application, the Roads Department reiterated their initial recommendation and that ideally their preference would be for the subject lands to be redeveloped in a comprehensive manner with adjacent lands. However, as it does not appear that it is possible to achieve a comprehensive redevelopment, then a series of mutual rights-of-ways for shared access to lands to the east should be established.

COMMENTS:

1. The proposal conflicts with the general intent of the Official Plan which is to encourage comprehensive redevelopment of commercially designated lands on matters such as parking and access, including the provision of mutual rights-of-way with adjacent lands. However, should the Committee approve the application, then an Official Plan Amendment will not be required.

2. The proposal complies with the general intent of the approved Kennedy East Neighbourhood Plan.

3. Planning Department staff supported the orginal application subject to the condition that the applicant provide a mutual right-of-way with the adjacent land to the east. The applicant is opposed to this condition and amended the application to restrict the use of the subject lands to a photographer's studio and one residential unit.

   The amended proposal cannot be supported as it will prevent the opportunity for comprehensive redevelopment of the commercially designated lands to the east and west of the subject lands through the use of a mutual right-of-way. The Traffic Department and the Roads Department have advised that they do not support the amended application as they are concerned that approval of the application will prevent the establishment of

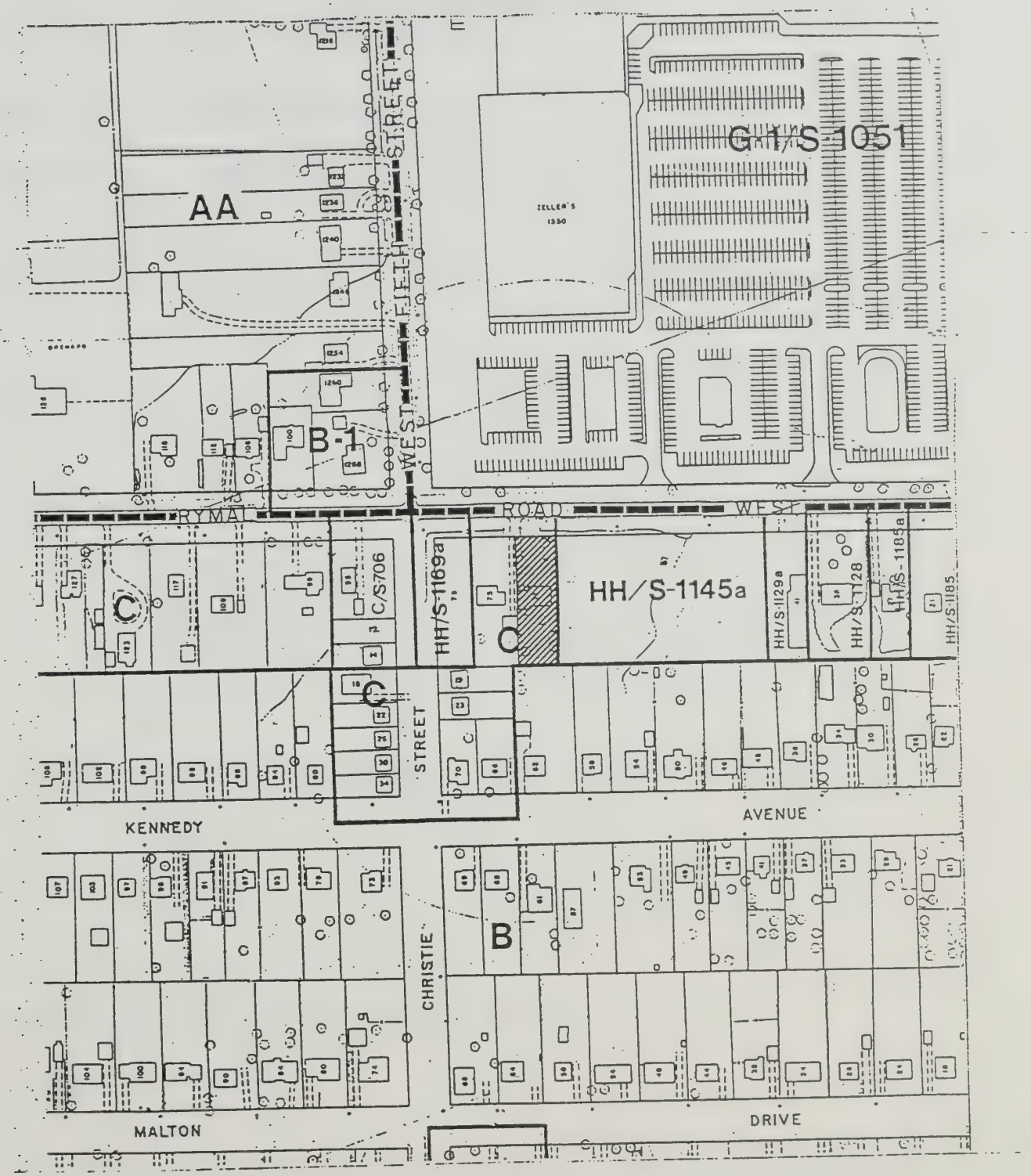
a series of connected mutual right-of-ways over the commercially designated properties on Rymal Road West from Christie Street east to Upper James Street. As such, the application will further aggravate traffic movement along Rymal Road.

However, should the Committee consider the application favourably, then approval of the application should be subject to the special requirements regarding landscaping and screening as noted in the previous staff report.

CONCLUSION:

Based on the foregoing, the amended application cannot be supported.

SR/sr
94-27.2ND



Legend

Site of the Application

ZAC-94-27

APPENDIX A

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 6

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **James South Stone Terrace, 142-160 James Street - Designation Recommendation**

RECOMMENDATION:

(a) That approval be given to the "Intent to Designate" the 9 units of the James South Stone Terrace at 142, 144, 146, 148, 150, 152, 154, 156 and 160 James Street South as properties of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached herewith and marked Appendix "A"; and

(b) That the City Solicitor be authorized as directed to take appropriate action to have these properties designated pursuant to the provisions of the Ontario Heritage Act, 1989.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of each unit were sent letters in August 1994, advising them of the outstanding architectural value of the 1850s stone terrace and of LACAC's interest in initiating the designation process. Follow-up letters were sent in November advising that no objections had been received and that a designation recommendation would be considered by LACAC early in 1995.

The unit at 158 James Street South is already designated under By-law #86-21.

The ten-unit stone row at 142-160 James Street South was erected between 1854 and 1860 for three owners: merchant John Mackenzie (#142-144), contractor George Murison (#146-154) and shoe manufacturer Alexander Gordon (#156-160). This residential terrace was originally occupied by prominent businessmen and professionals, with an increasing number of doctors taking up residence and opening home practices in the row after the turn-of-the-century. Since being rezoned for commercial use in 1951, the rowhouses have been progressively converted to stores and professional offices.

Built during the city's short-lived but flourishing period of stone construction dating from the 1840s through the 1860s, 142-160 James Street South is the longest of few remaining pre-Confederation stone terraces in Hamilton. Nearby are two others of particular architectural interest: Sandyford Place at 35-43 Duke Street (1858-63) and Herkimer Terrace at 11-17 Herkimer Street (1855-60), both four-unit, 3-storey residential terraces. These rows, constructed by skilled immigrant masons using stone quarried locally from the escarpment, are highly reminiscent in design of urban terraces found in Scotland at the time.

att.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
P. Noé Johnson, Solicitor
L. King, Building Commissioner

REASONS FOR DESIGNATION

James South Stone Terrace
142 – 160 James Street South, Hamilton

Context

Built between 1854 and 1860, the ten–unit stepped stone terrace extending along the west side of James Street South between Bold and Duke is a landmark and major anchor block in the James South heritage streetscape. Today, this long stone terrace dominates a row of historic buildings just south of the railway underpass; opposite, on the east side of James, the 19th and early 20th century buildings have been largely displaced by office towers.

Since Hamilton's early development, James Street has been a principal thoroughfare providing a vital transportation link between the waterfront and escarpment to the south. With the southward urban growth beginning in the 1850s, James Street South evolved as part of the city's most desirable residential area, noteworthy for its prestigious stone mansions and terraces, and later large Victorian homes. The first dramatic changes to the streetscape took place in the 1930s with two major construction projects: the TH&B railway underpass, which disrupted the visual continuity of James Street South, and the imposing 8–storey Medical Arts Building, a precursor of the modern high–rise development now scattered along its length. Less intrusive changes have resulted from the progressive conversion of single–family and row houses to commercial use: notably, the introduction of business signage and alterations to lower street facades.

History

Built for three separate owners: merchant John Mackenzie (#142–144), contractor George Murison (#146–154), and manufacturer Alexander Gordon (#156–160), all ten units were originally rented as single–family dwellings to prominent businessmen and professionals. After 1900, an increasing number of doctors and dentists took up residence and opened home practices in the terrace, a reflection of the growing concentration of medical practitioners in the immediate area. Since the 1950s the terrace has served a mixed commercial/residential use accommodating a variety of stores, galleries, restaurants, professional offices, and upper floor apartments.

Of particular interest is George Murison's association with the stone terrace: he was a well–respected contractor appointed in 1858 as builder of the Custom House and also played an active role in local politics, serving as a city councillor from 1856 to 1871, with one year as mayor in 1870. Another prominent Hamiltonian, Samuel Mills, owned the Gordon buildings in the 1860s. A highly successful businessman, who eventually became known as "one of the three wealthiest men in Hamilton", Mills also gained political recognition when appointed a life member of the Legislative Council of the Province of Canada in 1847 and a senator in the year of Confederation.

Architecture

The stone terrace on James Street South is one of few surviving pre–Confederation rowhouses in Hamilton. While the rowhouse was a common building type in the city, relatively few were built of stone; and of these early stone terraces dating from the 1850s and 60s, a number of fine examples have been lost (notably, Palmerston Terrace on Jackson Street West). In the area south of Main Street (known today as the Durand Neighbourhood) where the concentration of stone terraces was greatest, only four are still standing – Sandyford Place on Duke Street, Herkimer Terrace, 122–126 MacNab Street South, and the James South terrace.

The James South Stone Terrace is distinguished by its unrivalled length, the forceful simplicity of its design, and its finely crafted limestone ashlar facade. Erected by skilled immigrant masons using stone quarried locally from the escarpment, this terrace displays the high quality of design and workmanship that characterized Hamilton's early stone architecture. Although built in blocks for three different owners on a sloping site, the overall row possesses a homogeneous character achieved through the consistent use of limestone, uniform set–back and standard rowhouse format. Subtle distinctions were, however, created by varying the proportions and detailing of the three blocks. The two MacKenzie units feature 2–storey pilasters and a horizontal string course between the first and second storey; the Murison Block is distinguished by its taller second–storey proportions and bracketed eaves; while the three Gordon units are narrower and, unlike the other ones, their entrances are located in the north bay.

On the whole, the terrace has survived remarkably well: the addition of dormers and one mansard roof (#158) as well as alterations to entrance doorways, stairways, and windows have not seriously undermined its original appearance. The only major change has been the replacement of the first storey stone facade at #156 by a projecting brick addition with a modern glazed storefront.

Designated Features

Important to the preservation of the James South Stone Terrace are the original features of the east (front) facades and north end wall, including: the limestone masonry walls and parapets; the cut stone sills, lintels, string courses, and pilasters; the original doorways and windows; and the bracketed eaves and other original details. Excluded are: the projecting store front added to #156; the various dormer additions; and the modern entrance porches, stairways, windows and doors.

WILLIAM M. McCULLOCH

CITY COUNCIL

71 MAI

17 ROBII

4.

1995 January 5

Chairman and Members
Planning and Development Committee,

Deletion of "Public Parking Lots"
in the Downtown Area (and in all CR Districts)

At the request of the Planning and Development Committee a meeting of all interested parties was held in City Hall on Thursday, January 5, 1995 to review the proposal to delete public parking lots as a permitted use in the "CR" Districts and for all lands located in the downtown area.

A list of the attendees is attached.

Ms. Joanne Hickey-Evans gave a complete review of the proposal tracing it's history back to the Central Area Plan and Vision 2020. She then went into details of the proposed zoning change and what would be involved.

There were a number of questions raised as to the process of having the empty lots rezoned back to parking if this zoning change were to be implemented. How having empty lots served no useful purpose at all and would not enhance the downtown situation, etc.

Overall, it was a positive meeting of genuinely interested business persons prepared to do anything that would turn around the lamentable situation in the core area.

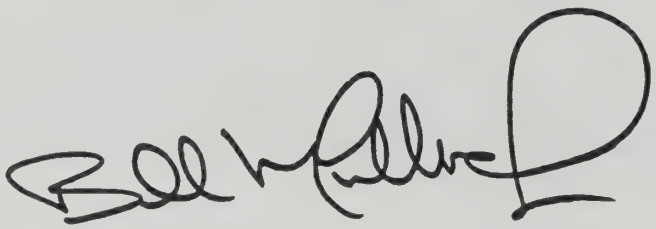
But, the unanimous recommendation coming from this ad hoc committee was that the proposed changes would not in any way enhance the redevelopment of the downtown. At the same time leaving empty, unused, rubble strewn sites throughout the downtown would create a further deteriorated effect.

.../2

In fact, at this point in time it would only exacerbate the uncertainty of landowners and investors if there was this added control in the use of their properties.

The group would be more than prepared to review this matter again as part of any overall proposals for the redevelopment of the Downtown but this should follow after much more significant changes such as re-assessment of downtown properties and the upswing in commercial and retail business.

Therefore, it is strongly recommended that no action be taken now or in the near future to introduce the zoning amendments proposed to delete public parking lots in the core area; and, if and when the matter is to be reconsidered an ad hoc committee similar to this one be called to review the proposals in the light of the then current situation before it comes back to the Planning and Development Committee.



William M. McCulloch
Chairman
Ad Hoc Committee
Deletion of Downtown Parking Lots

WM:jc

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 January 16

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C.King, Chairman
Cash-in-lieu of Parking Committee

SUBJECT: Cash-in-lieu of Parking
1004-1006 King Street West
(95.2.4.2.1.A)

RECOMMENDATION:

That the application by John Flynn for the building at 1004-1006 King Street West for the payment of Cash-in-lieu for 6 parking spaces be **DENIED.**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City will not collect approximately $22,500. for the Cash-in-lieu fund at a 50% payment requirement.

BACKGROUND:

The applicant has applied under Section 39 of the Planning Act for payment of cash-in-lieu for 6 parking spaces in order to permit a 35 seat restaurant at 1004-1006 King Street West. The existing building is located in a "G" district zoning and the site cannot provide any of the 6 parking spaces required by Zoning By-law 6593.

On August 3,1994 the Committee of Adjustment approved an application for a minor variance for 6 parking spaces. This approval was subsequently appealed to OMB and has yet to be heard.

The Cash-in-lieu of Parking Committee received the submission and recommended **denial** of the application for the following reasons:-

1/ The current parking area in the commercial district is at capacity and cannot accommodate additional vehicles.

2/ The Hamilton Parking Authority has no plans to establish municipal parking in the immediate vicinity of the proposal.

3/ The demand for commercial parking space will result in a spill-over into the adjoining residential districts.

4/ Land use and traffic objectives are not satisfied.

For the information of the Committee, the cost of cash-in-lieu for the six (6) parking spaces has been established at $45,000.

LCK/PCL/mm

c.c. - Cash-in-lieu of Parking Committee

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 16

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Public Works Department, Community Renewal, Parks Division, 1995-2004 Provisional Capital Budget.

RECOMMENDATION:

1. That the attached capital projects from the Public Works Department, Community Renewal, Parks Division, be considered for inclusion in the ten year 1995-2004 Provisional Capital Budget; and,

2. That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

Corporate Overview:

The proposed 1995-2004 Capital Budget currently represents a $131,707,000. increase in the net cost over the 1994-2003 Capital Budget noted as follows exclusive of the infrastructure program which is identified separately:

COMPARISON OF 10 YEAR CAPITAL BUDGET BY YEAR

	Approved 1994-2003 Capital Budget	Proposed 1995-2004 Capital Budget	Over/(Under)
	($000's)	($000's)	($000's)
1994	20,931	0	(20,931)
1995	18,186	21,427	3,241
1996	18,425	23,433	5,008
1997	22,895	31,267	8,372
1998	22,472	26,785	4,313
1999	23,694	30,407	6,713
2000	18,232	46,466	28,234
2001	18,612	33,282	14,670
2002	20,860	30,378	9,518
2003	18,716	29,173	10,457
2004	0	62,112	62,112
SUB-TOTAL	**203,023**	**334,730**	**131,707**
Subsidies & Receipts	76,828	174,532	97,704
Infrastructure 1994-1996:			
Federal/Provincial Share	14,124	0	(14,124)
H.S.P.C.A. Share	1,358	0	(1,358)
City Share	5,704	0	(5,704)
	21,186	0	(21,186)
TOTAL	**301,037**	**509,262**	**208,225**

It should be noted that there is a $3,241,000. increase being proposed for 1995 at this time. If these projects are financed by debentures there will be an increase in debenture cost of $510,600 in the following year and additional operating cost resulting from these capital projects in the 1995 operating budget.

Departmental Overview

The attached Capital Budget Submission Forms have been prepared based on the guidelines developed and approved by City Council over the last three years including the current year.

The proposed 1995-2004 Capital Budget currently represents a $2,025,000. increase in net cost over the 1994-2003 Capital Budget noted as follows:

	Approved 1994-2003 Capital Budget	Proposed 1995-2004 Capital Budget	Over/(Under)
	($000's)	($000's)	($000's)
1994	400	0	(400)
1995	0	0	0
1996	400	407	7
1997	400	413	13
1998	1,000	1,000	0
1999	1,000	1,000	0
2000	0	0	0
2001	400	1,240	840
2002	1,743	1,743	0
2003	1,500	1,500	0
2004	0	1,565	1,565
SUB-TOTAL	**6,843**	**8,868**	**2,025**
Subsidies & Receipts	594	3,056	2,462
TOTAL	**7,437**	**11,924**	**4,487**

The following is a brief explanation of the 1995-2004 Capital Budget submission of Community Renewal, Public Works Department. The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works Department with the exception of the neighbourhood revitalization projects:

1. Neighbourhood Revitalization Projects

Community Renewal staff, Parks Division, Public Works Department, formerly applied for funding towards the revitalization of older neighbourhoods under the Provincial Government's Program for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) that preceded the jobsOntario Program, and were successful in receiving allocations under P.R.I.D.E. on a regular basis. It is the intention of staff to carry out a comprehensive public participation process to identify items for expenditure for the funding, such as development/redevelopment of parks, lighting, buffering of incompatible uses, tree planting etc., prior to applying for the jobsOntario monies since staff have been advised by Provincial Municipal Advisors

that an application would be viewed more favourably if it results from a public participation process. The project areas are identified through the Parks Staff Committee on a needs basis. Existing infrastructure within the area is reviewed to determine the areas of priority for revitalization. Recommendations are then channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

Subsidy under the Provincial Government's jobsOntario, Community Capital Program will be applied for which finances up to 33% of a project. Areas identified for improvements under this Program include: Crown Point East/McAnulty Phase II, Stipeley South, Parkview East and West and Blakeley/St. Clair. The City's cost for these projects amount to approximately $400,000. taking into consideration inflation for each project, with the exception of the Parkview East and West. The Parks Development and Maintenance Section of the Public Works Department has completed work at Leaside and Glow Park and are in the process of completing Woodward Park all in the Parkview East and West area, with all projects amounting to approximately $500,000., therefore, the capital funding allotment for this proejct area has been reduced in recognition of these commitments to approximately $200,000 for Parkview East and West.

Total 1996 $542,000
(includes $135,000 subsidy)
Total 1997 $551,000
(includes $138,000 subsidy)
Total 1998 $266,000
(includes $66,000 subsidy)
Total 2001 $532,000)
(includes $132,000 subsidy)

2. Ferguson Avenue Revitalization - Implementation

An intensive public participation process was undertaken for the preparation of a Master Plan for the revitalization of Ferguson Avenue. The process consisted of two and one-half years of meetings with a stakeholders committee and three public workshops where the needs, visions and desires of the community at large were gathered and incorporated into the Master Plan which reflects many aspects of Vision 2020. Staff are now in the midst of finalizing the document and plan to proceed to a Public Planning and Development Committee meeting in February/March 1995. The substantial increase in the Capital Budget amount from the $1,800,000. previously submitted as an estimate, is the end result of the public participation process. The Master Plan identifies the opportunity to create a linkage between the Escarpment, the downtown and the Bay with emphasis on pedestrians and cyclists.

Total 1998-2001 inclusive $5,225,000
(includes $2,585,000 subsidy)

4. Hughson Street Redevelopment, Downtown Action Plan Phase I

This project, at a gross cost of $743,000. is the first phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Hughson Street between King and Hunter Streets will function as an excellent pedestrian connection from the GO Station to the Downtown Core and other major downtown attractions.

Total 2002 $743,000.

5. The Commercial Improvement Program - Phase II

At the present time approximately $550,000. remains within the Commercial Improvement Program, and it is anticipated that these funds will be depleted by the end of 1995. The Commercial Improvement Program was a 5 year program approved by City Council at its meeting held 1987 January 29. The objective of the Program is to finance streetscape improvements on publicly owned lands within Hamilton's B.I.A.'s. Items approved for funding have included: benches, planters, banners, lighting, sidewalk widening, speciality paving etc. Included as an eligible item is the funding of murals placed within the B.I.A.'s up to 50% of the total cost, to a maximum of $5,000. Also eligible are comprehensive studies the B.I.A.'s have had undertaken to a maximum of $2,500. or 50% of the total cost. The studies provide B.I.A. Board's and staff guidelines for future growth and development. Monies were also utilized from these funds to set-up accounts to implement the Facade and Interior Programs that are offered to property and business owners within B.I.A.'s.

A continuation of the Commercial Improvement Program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Also, consideration must be given to future areas designated as B.I.A.'s such as Locke Street, where staff from Community Renewal have been meeting with merchants for a number of months and are taking them through the designation process. Consideration should also be given to expanding B.I.A.'s such as the Downtown Hamilton B.I.A. that is considering expansion.

Total 2002-2003 inclusive $2,500,000

6. Hughson Street Redevelopment, Downtown Action Plan - Phase II

This project is being re-introduced to the 1995-2004 Capital Budget. The project was submitted in the 1994-2003 Capital Budget but was placed outside the ten year plan during deliberations. This project, at a gross cost of $765,000. is the second phase of the two-phase project, Phase One is planned for 2002. Phase II is a logical extension of the pedestrian link from Hunter Street to Charlton Avenue and is recommended for commencement in 2004. This project will serve as a continuation

of the pedestrian connection to the GO Station, the Downtown Core and other major downtown attractions.

Total 2004 $765,000

7. **Phase VI of the Downtown Action Plan - Interconnection Streets**

This project is being re-introduced to the 1995-2004 Capital Budget. The project was submitted in the 1994-2003 Capital Budget but was placed outside the ten year plan during deliberations. The intention of the project is to use the available funds as seed
money to partner with private developers for upgrading the streetscaping around their buildings that are situated on the connecting streets in and around the Downtown Action Plan area to tie in with existing improvements and assist in the revitalization of the Downtown Core area. The funds will be set aside to react to possible joint ventures as they arise. Contact with developers and other stakeholders in the Downtown Core will be made in an attempt to form partnerships that will maximum City dollars. Combining of both public and private dollars will assist in fostering a feeling of pride in the local community.

Total 2004 $800,000

HM:hm

c.c. Mr. A. Ross, City Treasurer
c.c. Mr. N. Adhya, Manager of Budgets, Treasury Department
c.c. Mr. R. Chrystian, Manager of Parks Division, Public Works
c.c. Mr. C. Firth-Eagland, Manager of Streets & Sanitation Division, Public Works

The Corporation of the City of Hamilton

1995-2004 PROVISIONAL CAPITAL BUDGET PROGRAM

January 5, 1995

TABLE 4

PUBLIC WORKS DEPARTMENT - COMMUNITY RENEWAL

PROJ NO.	DEPT.	CAT-EGORY	PROJECT DESCRIPTION	PROJECT START	PROJECT FINISH	GROSS COST	RECEIPTS SUBSIDY	NET FINANCING 1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	NATURE OF FUNDING	ANNUAL OPERATING COST
1.0	PWD-C	A	CROWN POINT EAST/McANULTY - PHASE II	1996	1996	542	135		407									DEB	29
2.0	PWD-C	A	FERGUSON AVENUE REVITALIZATION - IMPLEMENTATION	1995	2001	5,225	2,585				800	1,000		840				DEB	104
3.0	PWD-C	A	STIPLEY SOUTH NEIGHBOURHOOD	1997	1997	551	138			413								CL	29
4.0	PWD-C	A	PARKVIEW (EAST & WEST)	1998	1998	266	66				200							DEB	14
5.0	PWD-C	A	BLAKELEY/ST. CLAIR P.R.I.D.E. PROGRAM	2001	2001	532	132							400				CL	29
6.0	PWD-C	A	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE I	2002	2002	743									743			CL	26
7.0	PWD-C	A	COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II	2002	2003	2,500									1,000	1,500		CL	88
8.0	PWD-C	B	PHASE VI OF THE DOWNTOWN ACTION PLAN - INTERCONNECTING STREETS	2004	2004	800											800		21
9.0	PWD-C	B	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE II	2004	2004	765											765		27
			1995 - Sub-Total Public Works - Community Renewal (Net City Costs - 8,868)			11,924	3,056	0	407	413	1,000	1,000	0	1,240	1,743	1,500	1,565		367
			1994 - Sub-Total Public Works - Community Renewal (Net City Costs - 6,443)			6,905	462	0	400	400	1,000	1,000	0	400	1,743	1,500	0		

Note: Category A = Funded projects in the 1994-2003 Provisional Capital Budget Program as approved by Council on March 29, 1994; Category B = previously reviewed and recognized in the 1994-2003 Provisional Capital Budget Program but outside the Ten-Year Plan; Category C = new projects.

The Corporation of the City of Hamilton

PROJECT NUMBER 202.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Crown Point East/McAnulty Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT _____
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1996
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1996

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 542,000.
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy and describe) JobsOntario - Community Capital $ 135,000.
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____
   (d) NET CITY'S COST: $ 407,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ 407,000.	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 1996	
(b)	GROSS COST (All Inclusive)		$ 7,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$ 7,000.
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	January 1997	
(f)	GROSS COST (All Inclusive)		$ 29,000.
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 29,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	10 man yrs.

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes __ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Second Phase of Project not completed leaving the Crown Point East/McAnulty Priority One Park undeveloped. Existing shortfall of recreational facilities not addressed. Hard and soft services will continue to decline.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No __ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	180.0
(b)	AT CITY'S COST OF	$400,000.
(c)	SCHEDULED TO START IN THE YEAR	1996

_____ Nov 30th 94

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) *NATURE OF PROPOSED FINANCING:* _____

(b) *RESERVE/CAPITAL LEVY FUNDING AVAILABLE:*
Yes ___ *No* ___

(c) *IF DEBENTURE FINANCING:*

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 203.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Ferguson Avenue Implementation of a Pedestrian/Bicycle Link between the Escarpment and the Bay.

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval early in 1995.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT x
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): Dec. 1992
   (b) GROSS COST $ $68,000.

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1995
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2001

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 5,225,000.
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy and describe) jobsOntario $ 1,319,000.
   _____ $ _____
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____
   Regional Bike Trail & Perimeter Rd. $ 1,266,000.

   (d) NET CITY'S COST: $ 2,640,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ 840,000.
- 1997	$ _____	- 2002	$ _____
- 1998	$ 800,000.	- 2003	$ _____
- 1999	$ 1,000,000.	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 1995	$ 9,000.
(b)	GROSS COST (All Inclusive)	January 1996	$ 33,000.
(c)	LESS RECOVERY/REVENUE	January 1997	$ 45,000.
(d)	NET CITY'S COST	January 1998	$ 58,000.
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	January 1999	$ 94,000.
(f)	GROSS COST (All Inclusive)	January 2000	$ 98,000.
(g)	LESS RECOVERY/REVENUE	January 2001	$104,000.
(h)	NET CITY'S COST		

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	208

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Without this revitalization, private developers will not be encouraged to invest in Ferguson Avenue and future growth will be stifled. No direct pedestrian/bicycle link will exist between the Escarpment, the Downtown Core and the Bay. The public will be disillusioned with the public process.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	181.0
(b)	AT CITY'S COST OF	$1,800,000. (ALL PHASES)
(c)	SCHEDULED TO START IN THE YEAR	1998

_____ Nov. 30th 94

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

PHASE & DATE	LOCATION	FUNDING SOURCE (Streets) Reconstruction	(Com.Ren.) Lighting	(Com.Ren.) Streetscaping	(Com.Ren.) Acquisition	(Com.Ren.) Burial of Wires	(Region) Pedestrian Bridge	(Region) Bike Trail	(Streets) L.I.A.	TOTAL COST
One (1995)	Barton to Cannon	$151,800. (95)	n/a	$148,698. (95)	n/a	n/a	n/a	n/a	$644,197. (95)	$944,695.
Two (96-98)	Cannon to Main	$1,223,748. (96)	$436,425. (98)	$529,506. (98)	$158,125. (98)	n/a	n/a	n/a	n/a	$2,347,804.
Three (97-98)	Main to Grange (TH&B)	$346,086. (97)	$328,900. (98)	$107,727. (98)						
Four (1998)	Grange to Base of Escarpment	n/a	$202,400.	$89,126.	n/a	n/a	n/a	n/a	$484,404.	$775,930.
Five (1999)	Barton to Burlington	n/a	$632,500.	$284,787.	$158,125.	$531,300.	$885,500.	n/a	$1,582,430.	$4,074,642.
Six (2000)	Stairway Up The Escarpment	n/a	n/a	n/a	n/a	n/a	n/a	$379,500.	n/a	$379,500.
Seven (2001)	Burlington to Dock Service	$362,764.	$183,425.	$75,457.	n/a	n/a	n/a	n/a	n/a	$621,646.
	TOTALS:	**$2,084,398.**	**$1,783,650.**	**$1,325,311.**	**$316,250.**	**$531,300.**	**$885,500.**	**$379,500.**	**$3,083,446.**	**$10,389,355.**
	Totals with round-off for Capital Budget purposes:	**$2,085,000.**	**$1,784,000.**	**$1,326,000.**	**$317,000.**	**$532,000.**	**$886,000.**	**$380,000.**	**$3,084,000.**	**$10,394,000.**
		Community Renewal Costs:								
		- Lighting	$1,784,000.							
		- Streetscaping	$1,326,000.							
		- Acquisition	$317,000.							
		- Burial of Wires	$532,000.							
		TOTAL	$3,959,000.							

⅓ JobsOntario $1,319,000.
⅔ Community Renewal $2,640,000.

1998	$ 800,000.
1999	$1,000,000.
2000	$ 840,000.

The Corporation of the City of Hamilton

PROJECT NUMBER 2040
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Stipeley South Neighbourhood
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major requirements. The Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial and commercial uses.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION
   (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT _____
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE
   (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1997
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 551,000.
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy and describe) Jobs Ontario - Community Capital $ 138,000.
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____

   (d) NET CITY'S COST: $ 413,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ _____
- 1997	$ 413,000.	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 1998	
(b)	GROSS COST (All Inclusive)		$ 29,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)		
(f)	GROSS COST (All Inclusive)		$
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 29,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	10 man years

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes __ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Parkland remains deficient. Neighbourhood hard services continue to deteriorate.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No ___ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	182.0
(b)	AT CITY'S COST OF	$400,000.
(c)	SCHEDULED TO START IN THE YEAR	1997

_____ Nov. 30th 94.

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 205.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Parkview (East and West)
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
   Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT _____
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1998
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 266,000.
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy and describe) Jobs Ontario - Community Capital $ 66,000.
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____

   (d) NET CITY'S COST: $ 200,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ 200,000.	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 1998	
(b)	GROSS COST (All Inclusive)		$ 14,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	January 1999	
(f)	GROSS COST (All Inclusive)		$
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 14,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	5 man yrs.

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Further deterioration of Neighbourhood.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No __ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	184.0
(b)	AT CITY'S COST OF	$200,000.
(c)	SCHEDULED TO START IN THE YEAR	1998

_____ Nov. 30th 94.

Signature of Department Head/ Local Board Manager *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 206.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Blakeley/St. Clair Revitalization
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
   Improvements to parks, recreational, hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward Three in between Wentworth, Gage, Main Streets and the base of the Escarpment.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION
   (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT _____
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE
   (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2001
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2001

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 532,000.
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy and describe) Jobs Ontario - Community Capital $ 132,000.
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____

   (d) NET CITY'S COST: $ 400,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ 400,000.
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 2001	
(b)	GROSS COST (All Inclusive)		$ 29,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2001	
(f)	GROSS COST (All Inclusive)		$
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 29,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	10 man yrs.

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Further deterioration of existing hard and soft services.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No ___ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	185.0
(b)	AT CITY'S COST OF	$400,000.
(c)	SCHEDULED TO START IN THE YEAR	2001

_____ Nov. 30th 94

Signature of Department Head/ Local Board Manager *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 207.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase I
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT x
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) _____
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2002
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2002

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 743,000.
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe) _____ $ _____
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____
   (d) NET CITY'S COST: $ 743,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ 743,000.
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 2003	
(b)	GROSS COST (All Inclusive)		$ 26,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)		
(f)	GROSS COST (All Inclusive)		$
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 26,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	14.0

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
No pedestrian link to GO Station at Hunter from Downtown. Loss of commercial potential Downtown particularly east of James Street.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No __ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	186.0
(b)	AT CITY'S COST OF	$743,000.
(c)	SCHEDULED TO START IN THE YEAR	2002

_____ Nov. 30th 94.

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) *NATURE OF PROPOSED FINANCING:* _____

(b) *RESERVE/CAPITAL LEVY FUNDING AVAILABLE:*
Yes ___ *No* ___

(c) *IF DEBENTURE FINANCING:*

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 208.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Commercial Improvement Program - Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Phase II of the Commercial Improvement Program will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION
   (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT x
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE
   (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2002
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 2,500,000.
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy _____
   and describe) _____ $ _____
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____

   (d) NET CITY'S COST: $ 2,500,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ 1,000,000.
- 1998	$ _____	- 2003	$ 1,500,000.
- 1999	$ _____	- 2004	$ _____

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 2003	
(b)	GROSS COST (All Inclusive)		$ 35,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$ 35,000.
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2004	
(f)	GROSS COST (All Inclusive)		$ 88,000.
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 88,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	50 man yrs.

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No __ Yes x ; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	188.0
(b)	AT CITY'S COST OF	$2,500,000.
(c)	SCHEDULED TO START IN THE YEAR	2002

_____ Nov. 30th 94.

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 209.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Phase VI of the Downtown Action Plan - Interconnecting Streets
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to develop a partnership with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at a minimal cost to the City. Authorization was given to the interconnecting streets within the Study Area to determine the feasibility of extending the Downtown Action Plan physical improvement.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT x
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT x
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) x
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2004
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2005

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 800,000.
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe) $ _____
   (c) LESS OTHER RECEIPTS (Specify): _____
   (d) NET CITY'S COST: $ 800,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ 800,000.

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 2005	
(b)	GROSS COST (All Inclusive)		$ 21,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)		
(f)	GROSS COST (All Inclusive)		$
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 21,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	16.0

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous projects of similar scope.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
The Downtown Action Plan improvements lose their impact as the commercial sectors grow around it. Public and private demand for improvements will not be planned or budgeted for. Opportunities with developers will remain untapped.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No x Yes __; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	
(b)	AT CITY'S COST OF	$
(c)	SCHEDULED TO START IN THE YEAR	outside 10 year plan

_____ 14th Dec 94

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ No ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 210.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
   This is the second phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter Street to Charlton Avenue as per the Central Business District Study draft Guidelines adopted by the Planning and Development Committee.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT _____
   (b) HARD SERVICE x
   (c) SOFT SERVICE x

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) x
   (b) HEALTH/SAFETY/ENVIRONMENT _____
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) x
   (e) ECONOMIC DEVELOPMENT x
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) _____
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) _____
   (i) GROWTH RELATED PROJECT _____

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): _____
   (b) GROSS COST $ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2004
   (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 765,000.
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe) _____ $ _____
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____
   (d) NET CITY'S COST: $ 765,000.

10. (a) YEAR OF EXPENDITURE:

- 1995	$ _____	- 2000	$ _____
- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ 765,000.

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	January 2004	
(b)	GROSS COST (All Inclusive)		$ 27,000.
(c)	LESS RECOVERY/REVENUE		$
(d)	NET CITY'S COST		$
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)		
(f)	GROSS COST (All Inclusive)		$
(g)	LESS RECOVERY/REVENUE		$
(h)	NET CITY'S COST		$ 27,000.

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	14.0

13. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
No pedestrian link to GO Station from Hunter to Charlton.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No x Yes ___; if yes,

(a)	PROJECT NO. (1994-2003 Capital Budget)	187.0	*This Project was
(b)	AT CITY'S COST OF	$765,000.	identified for future
(c)	SCHEDULED TO START IN THE YEAR		consideration outside ten year plan.

_____ Dec. 14th 94

Signature of Department Head/ Local Board Manager — *Date*

16. *FUNDING (Treasury Department To Complete):*

(a) *NATURE OF PROPOSED FINANCING:* _____

(b) *RESERVE/CAPITAL LEVY FUNDING AVAILABLE:*
Yes ___ *No* ___

(c) *IF DEBENTURE FINANCING:*

(i)	*ANNUAL DEBENTURE FINANCING COST:*	$
(ii)	*TOTAL CARRYING COST OF RETIRING DEBT:*	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 17
(OP-5YR(C))

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner
Planning and Development Department

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Official Plan Review - Terms of Reference

RECOMMENDATIONS:

1. That the Terms of Reference for the Official Plan Review, attached as APPENDIX "A", including the funding and additional staffing requirements, be approved.

2. That the Treasurer be directed to consolidate the following Capital Projects accounts with all the revenues and expenditures being transferred to a new consolidated Capital account titled "Special Planning Projects":

a)	CF 548741001	Municipal Housing Statement Update
b)	CF 548841002	Housing Intensification Study
c)	CF 548953001	Niagara Escarpment Plan Implementation
d)	CF 548953002	Building Profile Program
e)	CF 549055005	Statement of Land Use Planning - Housing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- Financial Implications

  The Official Plan Review is projected to take two and half years at an estimated cost of $250,000. More details are contained in APPENDIX "A".

  A portion of the funding (approximately $100,000) is budgeted from existing provincial funds. These funds are in separate accounts and the Department is requesting the Treasurer to collapse these accounts and transfer the balance to one account. These funds have been earmarked for the completion of the Official Plan Review.

  The remaining $150,000 is considered as a one time cost, to be divided equally over the 1995 and 1996 budget years. Approximately $125,000 is required for additional staffing and the remaining $25,000 is for expenses. At the present time, the funding for this Official Plan Review is being considered during the Capital Budget process.

  Public input is a vital component of such a review. In this regard, it is suggested both a business and community attitude surveys be completed. The projected cost is $25,000 (2 1/2 years x $50,000)

- Staffing Implications

  One staff member from the Planning and Development Department will be working on this project full time. As a result, an additional person is required to be hired to take on the day to day duties of the staff member. The cost is expected to be $50,000 per annum (including benefits) for a total of $125,000.

BACKGROUND:

The original Official Plan (OP) for the City was developed in 1945 by E.G. Faludi,. The City undertook a major review in 1982. Subsequent to that time, 128 amendments have been processed including 5 housekeeping amendments. These amendments have kept the Plan relatively up-to-date by including new Provincial policies, new planning directions initiated by the City, wording and mapping changes.

From a legal perspective, Section 26(1) of the Planning Act requires:

> "The council of every municipality that has adopted and had an approved official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purposes of determining the need for a revision of the official plan."

On October 5, 1994, the Planning and Development Committee held its public meeting in accordance with Section 26 of the Planning Act. Only one person attended the meeting and no written or verbal comments were received. Notwithstanding the lack of public submissions, there are a number of changes that have occurred in the planning field in recent years.

In May 1994, the Region adopted their new Official Plan entitled *Towards a Sustainable Region* which embraces the new philosophies of the 1990's such as sustainable development, environmental awareness, etc. It also identifies a number of initiatives that local area municipalities must undertake to bring their Plans into conformity with the Regional Official Plan.

The introduction to the Provincial Legislature of Bill 163 through First Reading on May 18, 1994 will also impact upon the review of Hamilton's Official Plan. Resulting from the efforts of the Commission on Planning and Development Reform chaired by John Sewell, Bill 163 embodies a number of themes and concepts that were advocated in the Commission's Final Report entitled New Planning In Ontario. It is anticipated the portions of the Bill that most directly affect the Department's mandate will receive Royal Assent in March 1995.

Within the spirit of the Planning Act, a comprehensive public participation process will be established to solicit input from the public, Region, provincial ministries and other agencies. The process will also identify key time frames when specific groups will be consulted.

Based on the above, the Planning and Development Department has prepared a comprehensive Terms of Reference.

JHE
c:\opreview\reports.pd\p&djan.95

APPENDIX "A"

Terms of Reference:

The Hamilton Official Plan Review

Prepared By:

Local Planning Branch
Hamilton-Wentworth
Planning and Development Department

January, 1995

SECTION 1: INTRODUCTION

1.1 What is an Official Plan?

The Official Plan is a municipality's most important land use planning document. The Official Plan maps the future land use direction of a municipality and provides a blueprint for effectively managing future growth. Traditional Official Plans provide the basic framework for land use planning-based decision making. However, over the last several years, new Official Plans have broadened their scope to address issues and concerns that are not directly land use based. Examples of these new directions include policies on health, culture, education, economic growth, quality of life, etc. In addition, new concepts have emerged, such as sustainable development, which will shape the nature of municipal planning through the 1990's and beyond.

1.2 The City's Official Plan and the Need for a Review

The original Official Plan for the City was developed in 1945 by E.G. Faludi. The City undertook a major review in 1982 based on a number of background studies that were completed in the late 1970's. Since that time, 128 amendments have been processed including 5 housekeeping amendments. These amendments have kept the Official Plan relatively up-to-date by including new Provincial policies, new planning directions initiated by the City and various wording and mapping changes.

In May, 1994, the Region of Hamilton-Wentworth adopted a new Official Plan entitled *Towards a Sustainable Region* which embraces the new philosophies of the 1990's such as sustainable development, environmental awareness, etc. The Official Plan also identifies a number of initiatives that local area municipalities must undertake to bring their respective Official Plans into conformity with the Regional Official Plan.

From a legal perspective, Section 26(1) of the Planning Act states:

> "The council of every municipality that has adopted and had an approved official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purposes of determining the need for a revision of the official plan."

Within the spirit of the Planning Act, a comprehensive public participation process will be established to solicit input from the public, the Region, Provincial ministries and other agencies. The process also identifies key time frames when specific groups will be consulted.

The introduction to the Provincial Legislature of Bill 163 through First Reading on May 18, 1994 will also impact upon the review of Hamilton's Official Plan. Resulting from the efforts of the Commission on Planning and Development Reform chaired by John Sewell, Bill 163 embodies a number of themes and concepts that were advocated in the Commission's Final Report entitled New Planning In Ontario. It is anticipated the Bill will receive Royal Assent in early 1995.

The proposed legislation contains a number of revisions to the Planning Act including changes to the scope and content of Municipal Official Plans. Through Bill 163, Section 16 of the Planning Act will be repealed and substituted with the following:

> "An official plan shall contain the prescribed contents and,
>
> a) shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it, or an area that is without municipal organization; and
>
> b) may contain a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or in respect of a proposed by-law."

In addition, Bill 163 introduces a comprehensive set of Provincial Policy Statements for which "a decision of the council of a municipality... shall be consistent with". This wording is much stronger than the current wording in the Planning Act, where municipal councils "shall have regard to Policy Statements". The new Policy Statements include the following:

- Natural Heritage, Environmental Protection and Hazard Policies
- Economic, Community Development and Infrastructure Policies
- Housing Policies
- Agricultural Land Policies
- Conservation Policies
- Mineral Aggregate, Mineral and Petroleum Resources Policies

Accordingly, the intent and direction of these Policy Statements will have to be incorporated within the policies and schedules (if applicable) of the Hamilton Official Plan. To assist in the implementation of Policy Statements, the Provincial Government issues "Implementation Guidelines" which provide greater clarification for municipalities. However, these Guidelines will be issued after the legislation receives Royal Assent and implementation of the Policy Statements will represent a major work component of the Official Plan Review.

1.3 New Planning Concepts

Municipal planning is not static nor is it a closed system; it is an evolution of concepts, ideas and implementation tools, subject to pressures from other sources. A number of new planning concepts have been identified in recent years. Some of the most notable include:

- the introduction of sustainable development, neo-traditional planning and healthy, liveable communities;

- a more proactive approach to environmental management;

- a focus on mixed use areas (residential/commercial/institutional) as an alternative to urban sprawl; and,

- recognition of quality-of-life by enhancing social, cultural, health and educational services in a community.

There have also been significant changes in the land market that will have to be reflected in the Official Plan. These changes include:

- the diminished viability of traditional strip retail commercial areas and the introduction of "big box" retail establishments, often in traditional industrial areas;

- a continuing decline in the demand for higher-density residential lands as a result of demographic changes and the curtailment of non-profit housing programs; and,

- economic rationalization within the industrial/manufacturing sector has created an increased number of vacant and/or underutilized industrial land parcels for which future use is not clear.

SECTION 2: THE NEW OFFICIAL PLAN

2.1 *Introduction*

The Official Plan Review will include a comprehensive analysis and evaluation of the concepts, approaches and policies contained in the existing Plan and will culminate with the creation of a new Official Plan. The review will involve input from a variety of sources including the public, business community, special interest groups, government agencies, departments and ministries. The primary staff allocation will be from the Local Planning Branch, Planning and Development Department. A description of the public participation process is contained in Section 4 of this report.

2.2 *Phasing*

The Official Plan Review will be divided into four distinct phases which are as follows:

Phase 1: Preliminary

1) An introductory Public Meeting will be held to solicit input from the public. At that time, written submissions will be requested and interested parties will be identified in accordance with the Planning Act requirements.

2) A Departmental Study Team and Inter-Departmental Technical Advisory Committee will be formed including staff from key departments and agencies (i.e., Traffic, Roads, Environmental Services, Regional Planning, Hamilton Region Conservation Authority, etc.).

3) Issues and areas of concern will be identified by staff, letters of submission, and from other Departments and agencies.

4) A survey of other municipalities who have developed new Official Plans will be undertaken to identify new policy directions, structure, content, etc.

5) The existing Schedules of the Official Plan will be "digitized" on computer to allow easier manipulation of designations.

Phase 2: Review of the Official Plan

1) Various Policy Papers (see 2.3) will be completed prior to the formation of new and/or revised Official Plan policy. Each project leader, in conjunction with the study team, will be responsible for developing a clear Terms of Reference for the particular subject area. The Policy Papers will: review existing Official Plan policies; identify new policy directions; and, outline possible future policy directions in the Official Plan. In addition, an overall "Vision" will be developed that will be included in the new Official Plan.

2) Public information meetings will be held and individual mailings sent out to release the results of the Policy Papers and to solicit input on findings and future policy directions.

Phase 3: Policy Formulation

1) With the information gathered during Phase 2, new policies will be developed and/or existing policies revised. There will be three classes of policy changes:

Fundamental Change - This will involve the introduction of new policy directions that were not contained in the existing Official Plan (e.g., sub-watershed planning, sustainable development principles, etc.) or the revamping of an existing policy;

Major Change - This will change will affect sections/subsections/clauses which are still relevant but require re-adjustments due to changing circumstances; and,

Minor Change - The policies will change marginally but the intent and direction of the policies are still valid.

Phase 4: Completion of the Plan

1) The "preliminary" Draft Official Plan will be formulated and will be discussed at Public Meetings and circulated to a wide variety of interest groups and agencies for comment.

2) Various submissions will be received and the Official Plan will be redrafted where appropriate.

3) The "final" version of the Draft Official Plan will be released and submitted to City Council for adoption.

2.3 *Policy Papers*

The length and complexity of each Policy Paper will depend on the nature of the issue. For example, housing issues were the subject of a comprehensive study in the early 1990's and little has changed to date; however, the commercial policy paper will be extensive because of the market changes that have occurred over the last 20 years. A brief description of the Policy Papers is noted below.

Industrial

Hamilton has been witness to the on-going transformation of traditional manufacturing in today's world. As manufacturing/industrial establishments continually search for lower cost environments, the intensity and demand for industrial lands has diminished. This market trend has important implications for land use planning as lands/buildings that were needed for industrial uses as recently as 20 years ago, are no longer economically viable for industry. Two key issues include redevelopment on vacant and/or underutilized industrial lands and flexibility for future land uses.

Commercial

In the 1990's, the nature of retailing/wholesaling has changed considerably with the introduction of retail warehousing (e.g., PriceCostco, Flooring Warehouse, etc.) as well as retailers moving away from traditional strip retail sites to larger sites (e.g., White Rose, Wal-Mart, Zellers, etc.). Such sites are more often found in industrial areas.

With the changing face of retailing, slow economic growth and shifting demographics, smaller stores have difficulty competing with the economies of scale afforded by the large retailers. This has created a number of vacant commercial buildings along traditional strip retail areas such as Barton Street, James Street, etc.

Housing/Residential

In 1992, Amendment No. 109 was approved, which established new and updated housing policies. The impetus behind the new housing direction was the introduction of the Provincial Policy Statement *Land Use Planning for Housing*. Although some refinement is likely required as a result of Bill 163, the thrust of the current housing policies appear to be reflective of current government policy and city trends.

Institutional

At the present time, there does not appear to be any serious concern with respect to institutional uses in the City or with institutional policies within the Official Plan. However, a more in-depth examination will be undertaken at the time of the study.

Mixed Use Corridors/Nodes

One of the new planning directions of the 1990's is to encourage the development of these areas where people live, shop and work. Consistent with this theme, the new Regional Official Plan is requiring municipalities to identify mixed use areas. These areas can either be residential in nature with some limited commercial permitted, or other areas where the primary use is commercial and there may be some opportunity for residential above stores, for example.

Open Space/Parkland

At the present time, the City is completing the Parks Master Plan, which will identify changes required to the Official Plan policies. In addition, the Region is undertaking the Regional Greenlands study, which identifies potential links between natural areas, public open space lands. The results of this study will lead to a discussion paper for the municipalities and the Conservation Authorities.

Environmental

Responsible environmental management is a world-wide focus in the 1990's. Locally, the Community Attitude Survey conducted in 1991 as part of the background work for the Hamilton Strategic Plan revealed a growing concern among Hamilton residents for environmental issues. These responses were echoed by the Task Force on Sustainable Development which developed a number of strategies to deal with environmental issues. The responses included: improving water and air quality, reducing waste, increasing the use of public transit, promoting and enhancing our natural corridors, etc.

The Province has also introduced the Wetlands Policy Statement which is to be included in Official Plans. The aim of the Policy Statement is to identify Provincially and Regionally significant wetlands and develop policies for their preservation and to minimize impacts from surrounding land uses.

As part of the Regional Official Plan Review, the Natural Areas Inventory was developed which identifies all Environmentally Significant Areas (ESA's) as well as Areas of Natural and Scientific Interest. These areas are to be included in the City's Official Plan.

Transportation/Infrastructure

At the present time, the Region is conducting a Regional Transportation Review, which is intended to develop a new "vision" for the Region. The new "vision" is based on the principles of Sustainable Development, including reduced dependence on automobiles, an increased public transit role, greater opportunities for cyclists and pedestrians and reduced impacts on the neighbourhoods and the environment. Recommendations will be forth-coming that would be examined for their applicability for inclusion in the Hamilton Official Plan. As well, the existing policies relating to infrastructure will be updated to reflect the current Regional infrastructure plan.

Heritage Resources

Following a seven year review and public consultation process, the proposed Heritage Act is expected to be introduced to the Ontario Legislature shortly, although no date has been set. The draft legislation indicates a consensus on the direction heritage conservation should proceed in the Province.

The new Heritage Act will extend the local conservation mandate in a number of ways:

- municipalities will be required to have heritage conservation policies;
- the mandate of LACAC's will be expanded to include living heritage and movable heritage property;
- municipal inventories will be included in the legislation and guidelines provided;
- municipal incentives for heritage conservation, such as deferral of payment of property taxes for listed or designated properties for a specific period or for the rebate of such taxes, will be included;
- municipalities will be able to request heritage impact assessments for proposals affecting listed properties (if statement is in the Official Plan);
- public authorities, including municipalities, will be required to give serious consideration to conservation of designated properties;
- designation of a Heritage District will require a Heritage Conservation Area plan;
- municipalities can enact interim controls for a conservation area under study;
- archaeological sites 100 years or older become automatically a "protected heritage site".

Urban Design

Urban or community design has always been an implicit part of the planning process and the Official Plan. This enables us to draw a picture of all the developable volumes for an entire city/community and thus show a probable city/community form. Land use regulations determine the general character and life or lifelessness of a public place such as a street. This area of focus will become increasingly important where redevelopment occurs because of the impacts on the existing built environment.

In response to the heightened public interest in the quality of urban/community life, the image of the city/community and design issues in general, it is becoming necessary to synthesize all the fragmented and often unrelated (and on occasion competing) urban/ community design policies, guidelines and initiatives into one comprehensive urban/ community design approach. This has to start with a separate Urban/Community Design Chapter in the Official Plan.

The elements of urban/community design include:

- form and mass of buildings (height, setbacks, specific design requirements)
- movement (cars, public transit, pedestrians, bicycles...all modes, conflict mitigation)
- streetscaping (facades, signage, hard and soft landscaping, street furniture)
- nightscaping (streetlighting, commercial and aesthetic use of light)

- comfort, safety and accessibility for all citizens (design for the disabled, seniors, special consideration for personal safety)
- climate (sun access and shadow casting, protection against elements of weather, designing for four seasons)
- public art (aesthetics of public places)
- views, sightlines, landmarks, important open spaces (guidelines for development, enhancement and protection).

Quality-of-Life

With a greater focus on our quality-of-life (health, education, leisure activities, social and cultural events), the Official Plan will include policies relating to these areas of interest. There are several policies within the Plan at the present time; however, as noted previously, Bill 163 will make the inclusion of these types of policies mandatory in municipal official plan documents.

SECTION 3: PUBLIC PARTICIPATION

3.1 Public Participation

During the Official Plan Review, input will be obtained from the "stakeholders" in the community (i.e., residents, business, special interest groups and community agencies) to provide both future direction on general land use management and reactions to the new Official Plan. Accordingly, public participation is key to a successful community-based land use plan.

It is important for the residents and the business community to be committed to the process. The public participation process must be meaningful but workable as well as cost effective!

3.2 Public Participation Process

A comprehensive mailing list of ratepayers groups, special interest groups, individuals, etc., who wish to participate will be established. It is also important to recognize that public participation should include getting the message to individuals who may be sight impaired or do not have an adequate grasp of the English language. In this regard, it is anticipated that summaries of the various Policy Papers will be reproduced in a format appropriate to these segments of the population. There will be three "phases" of public participation to coincide with the progression of the work associated with the Official Plan Review.

Phase 1: Preliminary

There are three components to the first phase of the public participation process:

- Undertake a telephone survey, similar to the Community Attitude Survey conducted for the Strategic Plan, to ascertain residents views on land use planning matters and how they see the focus of the City. The survey will also provide input for the creation of the Official Plan "Vision".

- Undertake a written survey for businesses with similar questions but the focus would be more toward their concerns in regard to land use planning. This could be done in conjunction with the Chamber of Commerce, either through their mailing list or they could assist in the distribution of the questionnaires.

- Inform the existing Sub-Committees of Hamilton City Council and interested parties of the Official Plan Review.

Phase 2: Review of the Official Plan

This is the most critical stage in the public participation process since the various Policy Papers will have been completed and broad policy direction established. As a starting point, a concise flyer/brochure or small newspaper can be distributed which summarizes the survey results, the policy directions of each of the Policy Papers and the public participation process. The brochure would go to all households, to the businesses and organizations through the Chamber of Commerce and those on the comprehensive mailing list. As well, the flyer/brochure will include request for written submissions.

Other elements of public participation within this phase include the following:

- Tapping into the existing Sub-Committees of City Council (e.g., LACAC, Urban Design, Barrier Free Design, etc.) for the ideas and opinions.

- Preparing 2-3 page summaries of each of the various Policy Papers on coloured paper to be available in strategic locations thorough the City (i.e., libraries, senior centres, recreation facilities, etc.).

- Preparing Official Plan Review displays to be put up in each of the libraries within the City and inviting comment.

- Holding one-day workshops on each of the Policy Papers.

Phase 3: Policy Formulation

Once the input has been received on policy direction, and the preliminary Draft Official Plan has been completed, a number of public participation actions will occur:

- A letter will be written to individuals on the comprehensive mailing list to indicate that the preliminary Draft Official Plan is complete and copies are available for review.

- Advertisements will be placed in both the Hamilton Spectator and the local Brabant newspapers indicating that the preliminary Draft Hamilton Official Plan is available for review and comment.

- Open Houses will be held in conjunction with Ward meetings to give local residents and business owners an overall view of the Plan and invite them to comment.

Once the submissions have been received from the public, other agencies, various departments and Provincial ministries, the preliminary Draft Official Plan will be revised and submitted to the Planning and Development Committee as a final Draft Official Plan. At this time, as required by the Planning Act, a formal Public Meeting will be held.

SECTION 4: STAFF RESOURCES AND TIMING OF REVIEW

4.1 Introduction

It is anticipated the Hamilton Official Plan Review will take approximately two and half years to complete. The detailed process and timing of the Official Plan Review are available under separate cover.

4.2 Project Co-ordinator/Internal Steering Committee

One person will be assigned as the Project Co-ordinator. The person will be responsible for managing and overseeing all aspects of the Official Plan Review. The Project Co-ordinator will be the head of the Internal Steering Committee which would consist of the Team leaders (1 for each policy paper, 1 public participation liaison officer and 1 person from the Technical and Cartographic Section). The intent of the Technical Steering Committee meetings is to keep the review on track, identify staffing and timing resources and ensure data collection is moving along well. It is anticipated the Steering Committee will meet on a monthly basis.

4.3 Technical Advisory Committee

This Committee will involve key people from other municipal departments, agencies and provincial ministries. The primary function is to review the work of the various teams, to ensure consistency with other department and agency mandates, as well as providing technical expertise when required.

4.4 *Structure of Teams*

Each team will be headed by a project leader. Once the project leader is chosen he or she will be responsible for outlining the scope and nature of issues. From there, he/she will develop a team consisting of staff from other municipal City and Regional departments, provincial and public agencies and any other persons which may be helpful to the team. At the outset, the team will be responsible for developing a comprehensive Terms of Reference. Within the Terms of Reference, it will be determined if the existing staff complements within various departments are adequate both from a time perspective as well as the level of expertise. If consultants are required, then Proposal Calls would be drawn up.

The Team leader will be responsible for reporting to the Project Co-ordinator at regular Intervals as to the progress of the Policy Paper. This person may or may not be from within the Planning and Development Department.

4.5 *Public Participation Co-ordinator*

Given the importance of the public participation component of the Official Plan Review, it would be appropriate for one person to be dedicated to this task throughout the whole exercise. The Co-ordinator would be responsible for implementing the questionnaires, working with the consultant on the survey, co-ordinating the displays with the Technical and Cartographic Section, dealing with the media, setting up meetings, etc. This person would be hired on a temporary basis for the extension of the Official Plan Review.

4.6 *Staffing and Costs*

The staffing complement of the Local Planning Branch of the Planning and Development Department would be comprised of the following:

Core Team:	
Project Co-ordinator	325 days
Assistant Project Co-ordinator	360 days
Public Participation Co-ordinator	100 days
Additional Resources:	
Planners	415 days
Division Head, Policy and Neighbourhood Planning	150 days
Director of Local Planning	10 days
Supervisor, Technical and Cartographic	50 days
Cartographic Technician	200 days

4.7 *Additional Costs*

There are additional costs associated with the cost of such a large project, over and above the salaries for temporary staff members. These costs include:

· Community Focus and Business Surveys	$15,000
· Newspaper Brochure	$20,000
· Displays	$ 5,000
· Printing	$20,000

Total costs for the Official Plan is projected to be $250,000, of which $100,000 can be financed through existing funding programs. At the present time, the request for $150,000 ($75,000 in 1995 and 1996) has been initiated through the Capital budget process.

4.8 *Timing*

The project is to be completed over a 2½ year time frame, commencing in January, 1995 and finished by September, 1997. It should be noted this timing does not include any possible ramifications from the numerous provincial guidelines (60) the City is expected to review, assess and incorporate as part of the implementation of Bill 163.

The Official Plan review process and the time frame charts are available on request. They are not reproduced as part of this report due to their size.

JHE/KE:jhe/ke
c:\opreview\outline

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 16

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: 1995 Work Program - Local Planning Branch of the Planning and Development Department

RECOMMENDATION:

That the Planning and Development Committee endorse the 1995 Work Program of the Local Planning Branch of the Planning and Development Department.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The 1995 Work Program includes the mandates of the Policy and Neighbourhood Planning Division and the Development and Urban Design Division including the Heritage Planning Group.

The 1995 Work Program is divided into three Sections:

- projects that are required or legislated (i.e. OMB Hearings, Zoning Applications, Official Plan Amendments, Heritage Conservation Districts, etc.);

- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, Inventory of Architecturally and Historically Significant Buildings, on-going projects from 1992, etc.); and,

- Other Priority projects would be completed once the Priority "A" projects are completed (i.e additional Neighbourhood Plan reviews, Identification of Contaminated Sites, James Street South Heritage District study, etc.) and if appropriate staff time is available.

The number of projects is based on the existing staff complement of 15 planners and 3 heritage planners. It is noted the amount of time allocated to projects in 1995 is 16.4 planners; however, based on staff reallocations, some projects may require less time than originally projected. Any change in the staff complement will require a reassessment of the projects to be undertaken in 1995. Alternatively, any additional projects will require either additional staff or a change in work priorities.

The Planning and Development Committee requested the Planning and Development Department to consider the preparation of the Parkview East and West Neighbourhood Plans in this year's Work Program. In 1995, it is proposed that 2 Neighbourhood Plans be completed (Beasley and Corktown/Stinson). The Beasley Neighbourhood Plan is in the stages of plan preparation while the background material for Corktown/Stinson is being collected. These neighbourhoods are downtown neighbourhoods and are influenced by a number of factors (i.e. GO station, redevelopment pressures, etc.). In this regard, these two neighbourhoods were identified for review.

The Work Program is submitted to members of the Planning and Development Committee under separate cover.

JHE

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 18

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

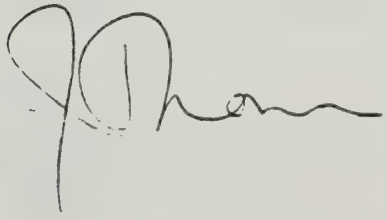
Mr. V. J. Abraham
Director of Local Planning

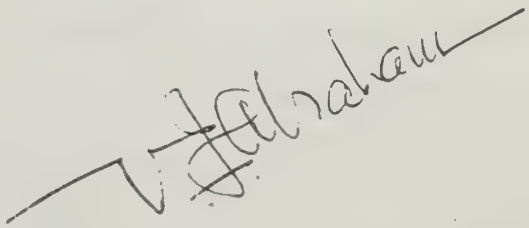
SUBJECT: Planning and Development Department
1995 - 2004 Provisional Capital Budget

RECOMMENDATION:

a) That the attached capital projects from the Department be considered for inclusion in the ten year 1995-2004 Provisional Capital Budget, and

b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.





FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

Corporate Overview

The proposed 1995-2004 Capital Budget currently represents a $131,707,000. increase in the net cost over the 1994-2003 Capital Budget noted as follows exclusive of the infrastructure program which is identified separately:

COMPARISON OF 10 YEAR CAPITAL BUDGET BY YEAR

	Approved 1994-2003 Capital Budget ($000's)	Proposed 1995-2004 Capital Budget ($000's)	Over/(Under) ($000's)
1994	20,931	0	(20,931)
1995	18,186	21,427	3,241
1996	18,425	23,433	5,008
1997	22,895	31,267	8,372
1998	22,472	26,785	4,313
1999	23,694	30,407	6,713
2000	18,232	46,466	28,234
2001	18,612	33,282	14,670
2002	20,860	30,378	9,518
2003	18,716	29,173	10,457
2004	0	62,112	62,112
SUB-TOTAL	203,023	334,730	131,707
Subsidies & Receipts	76,828	174,532	97,704
Infrastructure 1994 - 1996:			
Federal/Provincial Share	14,124	0	(14,124)
H.S.P.C.A. Share	1,358	0	(1,358)
City Share	5,704	0	(5,704)
	21,186	0	(21,186)
TOTAL	301,037	509,262	208,225

It should be noted that there is a $3,241,000. increase being proposed for 1995 at this time. If these projects are financed by debentures there will be an increase in debenture cost of $510,600 in the following year and additional operating cost resulting from these capital projects in the 1995 operating budget.

Departmental Overview

The attached Capital Budget Submission Forms have been prepared based on the guidelines developed and approved by City Council over the last three years including the current year.

The proposed 1995-2004 Capital Budget currently represents a $4,600,000 increase in gross cost over the 1994-2003 Capital Budget noted as follows:

NET CAPITAL BUDGET BY YEAR

	Approved 1994-2003 Capital Budget ($000's)	Proposed 1995-2004 Capital Budget ($000's)	Over/(Under) ($000's)
1994		0	0
1995		75	75
1996		575	575
1997		745	745
1998		100	100
1999		200	200
2000		0	0
2001		0	0
2002		100	100
2003		100	100
2004		50	50
Subtotal		1,945	1,945
Subsidy and Receipts		2,655	2,655
Gross Budget		4,600	4,600

PROPERTY ACQUISITION PROGRAM - ALPHA EAST ENCLAVE

The Planning and Development Committee, at its meeting of June 24, 1992, adopted the recommendations of the Planning and Development Department:

a) to retain the INDUSTRIAL zoning and designation in the Official Plan; and,
b) abandon the acquisition program with the exception of the remaining eleven properties in the Alpha East Enclave. The properties in Alpha East would be acquired on a willing buyer/willing seller basis.

The aim of the program is to remove incompatible residential properties and then sell the lands for industrial purposes. The residential properties to the west and north (Alpha West) were purchased in the 1980's and sold to industry. In this regard, the Alpha East enclave was most affected by the former acquisition program.

In the 1993 Capital Budget process, the Department requested $1,145,000 for the purchase of the properties. The funding was approved to commence in 2001.

The same funding was requested in the 1994 Capital Budget but was allocated outside the ten year Capital Budget.

The Department is requesting the same amount of funding ($1,145,000) be placed in the Capital Budget for the 1996 and 1997 Capital budget years.

ALBION FALLS OPEN SPACE ACQUISITION

Both the Official Plan and the approved Albion Falls Neighbourhood Plan designate lands between Mud Street Pritchard Road, the Expressway and Arbour Road OPEN SPACE since they provide a link between the Valley, as well as open space lands to the west. In addition, these lands will become an isolated pocket of residential once the Expressway is completed.

Since 1982, these lands were intended to be purchased for open space purposes. The bulk of the funding would be realized from the sale of lands for single-family dwelling north of Mud Street, west of the City of Stoney Creek boundary. However, there would be a short fall of approximately $400,000 between the purchase of the Albion Falls lands ($2,800,000) and the sale of the Mud Street lands ($2,400,000).

In this regard, the Department is requesting the purchase of these lands commence in 1997 and the $400,000 be allocated over the 1997 to 1999 budget years.

CURRENT OFFICIAL PLAN REVIEW

The Planning Act requires that an official plan review be undertaken once every five years. The existing Official Plan was approved by the Province in 1982 and no major review has been undertaken since that time. In addition, there have been a number of provincial initiatives that impact on the City, as well as the completion of the new regional Official Plan.

In this regard, the Department is seeking a total of $150,000 ($75,000 in both 1995 and 1996) in funding for this review. Without the funding, the 2 1/2 year time frame will be extended to five years.

FUTURE OFFICIAL PLAN REVIEW

Similar to the current Official Plan review, the future review will encompass changes that have occurred in planning over the previous five years.

This review has been identified to start in the year 2002 and completed in 2004 for a total cost of $250,000. The intent of this Capital Budget Submission is to identify the Planning and Development Department's responsibility to review the Official Plan in accordance with the Planning Act.

JHE

The Corporation of the City of Hamilton

PROJECT NUMBER 211.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: PLANNING AND DEVELOPMENT DEPARTMENT
2. PROJECT NAME: OFFICIAL PLAN REVIEW
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
   To review the City's Official Plan to ensure conformity with the new Regional Official Plan and The Planning Act (Bill 163). The Planning Act requires an Official Plan Review every 5 years and it has not been done since the original plan in 1982.

4. DEPARTMENTAL PRIORITY ORDER: 1

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT
   (b) HARD SERVICE
   (c) SOFT SERVICE X

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) X
   (b) HEALTH/SAFETY/ENVIRONMENT
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT X
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)
   (e) ECONOMIC DEVELOPMENT
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements)
   (i) GROWTH RELATED PROJECT

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR):
   (b) GROSS COST $

8. (a) PROJECT STARTING DATE (MONTH-YEAR) 1995
   (b) PROJECT FINISHING DATE (MONTH-YEAR): 1996

9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: $ 250,000
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe) $
   (c) LESS OTHER RECEIPTS (Specify): $ 100,000
   (d) NET CITY'S COST: $ 150,000

10. (a) YEAR OF EXPENDITURE:

- 1995	$ 75,000	- 2000	$
- 1996	$ 75,000	- 2001	$
- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
    (a) FIRST YEAR - DATE (MONTH-YEAR) _____
    (b) GROSS COST (All Inclusive) $ _____
    (c) LESS RECOVERY/REVENUE $ _____
    (d) NET CITY'S COST $ _____
    (e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____
    (f) GROSS COST (All Inclusive) $ _____
    (g) LESS RECOVERY/REVENUE $ _____
    (h) NET CITY'S COST $ 0

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
    (a) WITHIN THE CITY DEPARTMENTS _____
    (b) IN THE COMMUNITY _____

13. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
    (a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

    No X Yes __ _____
    If yes, signature of Manager of Architectural Division

    (b) If no, the basis of assumptions _____

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
    Elimination of this project is contrary to the Planning Act which requires a review every 5 years.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
    No X Yes ___ ; If yes,
    (a) PROJECT NO. (1994-2003 Capital Budget) _____
    (b) AT CITY'S COST OF $ _____
    (c) SCHEDULED TO START IN THE YEAR _____

V. Athanasiou
Signature of Department Head/
Local Board Manager
94-11-01
Date

16. FUNDING (Treasury Department To Complete):
    (a) NATURE OF PROPOSED FINANCING: _____
    (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
    Yes ___ No ___
    (c) IF DEBENTURE FINANCING:
    (i) ANNUAL DEBENTURE FINANCING COST: $ _____
    (ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 212.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development Department
2. PROJECT NAME: Official Plan Review
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
To review the City's Official Plan to ensure the goals, objectives and policies remain current to the Planning intentions of the City in accordance with the requirements of the Planning Act.

4. DEPARTMENTAL PRIORITY ORDER: 2

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT
   (b) HARD SERVICE
   (c) SOFT SERVICE X

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) X
   (b) HEALTH/SAFETY/ENVIRONMENT
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT X
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)
   (e) ECONOMIC DEVELOPMENT
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements)
   (i) GROWTH RELATED PROJECT

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR):
   (b) GROSS COST $

8. (a) PROJECT STARTING DATE (MONTH-YEAR) 2002
   (b) PROJECT FINISHING DATE (MONTH-YEAR): 2004

9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: $ 250,000
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe) $
   (c) LESS OTHER RECEIPTS (Specify): $
   (d) NET CITY'S COST: $ 250,000

10. (a) YEAR OF EXPENDITURE:

- 1995	$	- 2000	$
- 1996	$	- 2001	$
- 1997	$	- 2002	$ 100,000
- 1998	$	- 2003	$ 100,000
- 1999	$	- 2004	$ 50,000

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
    (a) FIRST YEAR - DATE (MONTH-YEAR) _____
    (b) GROSS COST (All Inclusive) $ _____
    (c) LESS RECOVERY/REVENUE $ _____
    (d) NET CITY'S COST $ _____
    (e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____
    (f) GROSS COST (All Inclusive) $ _____
    (g) LESS RECOVERY/REVENUE $ _____
    (h) NET CITY'S COST $ 0

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
    (a) WITHIN THE CITY DEPARTMENTS _____
    (b) IN THE COMMUNITY _____

13. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
    (a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

    No X Yes __ _____
    If yes, signature of Manager of Architectural Division

    (b) If no, the basis of assumptions _____

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Elimination of this project is contrary to the Planning Act which requires a review every five years.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No X Yes ___ ; If yes,
    (a) PROJECT NO. (1994-2003 Capital Budget) _____
    (b) AT CITY'S COST OF $ _____
    (c) SCHEDULED TO START IN THE YEAR _____

J. Graham
Signature of Department Head/
Local Board Manager
94-11-01
Date

16. FUNDING (Treasury Department To Complete):
    (a) NATURE OF PROPOSED FINANCING: _____
    (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
    Yes ___ No ___
    (c) IF DEBENTURE FINANCING:
    (i) ANNUAL DEBENTURE FINANCING COST: $ _____
    (ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 213.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. PROJECT NAME: Albion Falls Open Space Acquisition
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Purchase of lands / single family dwellings in Albion Falls Neighbourhood which are designated for open space purposes.

4. DEPARTMENTAL PRIORITY ORDER: 3

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT
   (b) HARD SERVICE
   (c) SOFT SERVICE X

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) X
   (b) HEALTH/SAFETY/ENVIRONMENT
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit)
   (e) ECONOMIC DEVELOPMENT
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) X
   (i) GROWTH RELATED PROJECT

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR):
   (b) GROSS COST $

8. (a) PROJECT STARTING DATE (MONTH-YEAR) 1997
   (b) PROJECT FINISHING DATE (MONTH-YEAR): 1999

9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: $ 2,800,000
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe) $
   (c) LESS OTHER RECEIPTS (Specify): 2.4 million - sale of City owned lands north of Mud St. west of Stoney Creek boundary (to be recovered in 1997/1998) $ 2,400,000
   (d) NET CITY'S COST: $ 400,000

10. (a) YEAR OF EXPENDITURE:

- 1995	$	- 2000	$
- 1996	$	- 2001	$
- 1997	$ 100,000	- 2002	$
- 1998	$ 100,000	- 2003	$
- 1999	$ 200,000	- 2004	$

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a)	FIRST YEAR - DATE (MONTH-YEAR)	May 1995	
(b)	GROSS COST (All Inclusive)		$ 4,000
(c)	LESS RECOVERY/REVENUE		$ –
(d)	NET CITY'S COST		$ 4,000
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	May 1996	
(f)	GROSS COST (All Inclusive)		$ 4,000
(g)	LESS RECOVERY/REVENUE		$ –
(h)	NET CITY'S COST		$ 4,000

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a)	WITHIN THE CITY DEPARTMENTS	0
(b)	IN THE COMMUNITY	0

13. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes __ _____
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions _____

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Elimination of project would result in the loss to proposed open space areas for the east mountain. Long term cost for subsidizing water to residents would be retained.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No X Yes ___ ; If yes,
(a) PROJECT NO. (1994-2003 Capital Budget) _____
(b) AT CITY'S COST OF $ _____
(c) SCHEDULED TO START IN THE YEAR _____

Alice Abraham
Signature of Department Head/ Local Board Manager
Dec 7/94
Date

16. FUNDING (Treasury Department To Complete):
(a) NATURE OF PROPOSED FINANCING: _____
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ___ No ___
(c) IF DEBENTURE FINANCING:
(i) ANNUAL DEBENTURE FINANCING COST: $ _____
(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER 214.0
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. PROJECT NAME: Property Acquisition Program - Alpha East Enclave
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
   Removal of 13 residential properties in Alpha East Enclave (Sherman Avenue and Imperial Street). Acquired land to be sold to industry. This is a revised cost estimate for the existing acquisition program.

4. DEPARTMENTAL PRIORITY ORDER: 4

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT: X
   (b) HARD SERVICE:
   (c) SOFT SERVICE:

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation): X
   (b) HEALTH/SAFETY/ENVIRONMENT: X
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT:
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit):
   (e) ECONOMIC DEVELOPMENT:
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR:
   (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure):
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements):
   (i) GROWTH RELATED PROJECT:

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR):
   (b) GROSS COST: $

8. (a) PROJECT STARTING DATE (MONTH-YEAR): 1996
   (b) PROJECT FINISHING DATE (MONTH-YEAR): 1997

9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: $ 1,300,000.00
   (b) LESS PROVINCIAL SUBSIDIES: (Identify nature of Subsidy and describe): $
   (c) LESS OTHER RECEIPTS (Specify): Recovery from sale of lands ($155,000.00). Funds may be recovered at any point during the program that land sales become viable. $ 155,000.00
   (d) NET CITY'S COST: $ 1,145,000.00

10. (a) YEAR OF EXPENDITURE:

- 1995 $		- 2000 $	
- 1996 $	500,000	- 2001 $	
- 1997 $	645,000	- 2002 $	
- 1998 $		- 2003 $	
- 1999 $		- 2004 $	

11. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:
    (a) FIRST YEAR - DATE (MONTH-YEAR) _____
    (b) GROSS COST (All Inclusive) $ _____
    (c) LESS RECOVERY/REVENUE $ _____
    (d) NET CITY'S COST $ _____
    (e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____
    (f) GROSS COST (All Inclusive) $ _____
    (g) LESS RECOVERY/REVENUE $ _____
    (h) NET CITY'S COST $ _____

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:
    (a) WITHIN THE CITY DEPARTMENTS _____
    (b) IN THE COMMUNITY _____

13. CAPITAL AND OPERATING ESTIMATE PREPARED BY:
    (a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

    No X Yes __ _____
    If yes, signature of Manager of Architectural Division

    (b) If no, the basis of assumptions _____

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
The existing acquisition funds will only purchase a few of the 13 properties. Elimination of the project will leave several properties unpurchased, further eroding the quality of life for existing residents. The program has been moved up to 1994 in order to purchase homes that are currently available or will be available in the near future. To delay will further erode the quality of life for residents.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
    No ___ Yes X ; If yes,
    (a) PROJECT NO. (1994-2003 Capital Budget) 178
    (b) AT CITY'S COST OF $ 1,145,000.00
    (c) SCHEDULED TO START IN THE YEAR This was rated outside the ten year plan

Signature of Department Head
Local Board Manager
Dec 7 1994
Date

16. FUNDING (Treasury Department To Complete):
    (a) NATURE OF PROPOSED FINANCING: _____
    (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
    Yes ___ No ___
    (c) IF DEBENTURE FINANCING:
    (i) ANNUAL DEBENTURE FINANCING COST: $ _____
    (ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

10.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 17

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng
Building Commissioner

SUBJECT: Building Department
1995-2004 Provisional Capital Budget (95.2.4.2.1.A, 95.5.10.A)

RECOMMENDATION:

1. That the attached capital projects from the Department be considered for inclusion in the ten year 1995-2004 Provisional Capital Budget; and,

2. That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

Corporate Overview

The proposed 1995-2004 Capital Budget currently represents a $131,707,000. increase in the net cost over the 1994-2003 Capital Budget noted as follows exclusive of the infrastructure program which is identified separately:

.../2

COMPARISON OF 10 YEAR CAPITAL BUDGET BY YEAR

	Approved 1994-2003 Capital Budget ($000's)	Proposed 1995-2004 Capital Budget ($000's)	Over/(Under) ($000's)
1994	20,931	0	(20,931)
1995	18,186	21,427	3,241
1996	18,425	23,433	5,008
1997	22,895	31,267	8,372
1998	22,472	26,785	4,313
1999	23,694	30,407	6,713
2000	18,232	46,466	28,234
2001	18,612	33,282	14,670
2002	20,860	30,378	9,518
2003	18,716	29,173	10,457
2004	0	62,112	62,112
SUB-TOTAL	203,023	334,730	131,707
Subsidies & Receipts	76,828	174,532	97,704
Infrastructure 1994 - 1996:			
Federal/Provincial Share	14,124	0	(14,124)
H.S.P.C.A. Share	1,358	0	(1,358)
City Share	5,704	0	(5,704)
	21,186	0	(21,186)
TOTAL	301,037	509,262	208,225

It should be noted that there is a $3,241,000. increase being proposed for 1995 at this time. If these projects are financed by debentures there will be an increase in debenture cost of $510,600. in the following year and additional operating costs resulting from these capital projects in the 1995 operating budget.

Departmental Overview

The attached Capital Budget Submission Forms have been prepared based on the guidelines developed and approved by City Council over the last three years including the current year.

.../3

The proposed 1995-2004 Capital Budget currently represents a $1,750,000. increase in gross cost over the 1994-2003 Capital Budget noted as follows:

NET CAPITAL BUDGET BY YEAR

	Approved 1994-2003 Capital Budget ($000's)	Proposed 1995-2004 Capital Budget ($000's)	Over/(Under) ($000's)
1994			
1995		675,000.	675,000.
1996		575,000.	575,000.
1997		500,000.	500,000.
1998			
1999			
2000			
2001			
2002			
2003			
2004			
TOTALS		1,750,000.	1,750,000.

Highlights of projects by the department

(a) Hamilton Rehabilitation Assistance Program

On 1994 June 28, City Council approved Section 7 of the Tenth Report of the Planning and Development Committee directing: a) the City's Law Department to amend By-law 78-113 to include a provision for owner/occupants of residential property to receive assistance in the form of a low interest loan for the replacement of deteriorating retaining walls, b) the funds repaid under the Programme be placed in a recyclable account for the continuation of the Programme, and c) the Building Commissioner to include in the Building Department's Capital Budget $500,000. per year for 1995, 1996, and 1997 for consideration in the 1995-2004 Capital Budget process to address the ongoing problems of retaining walls throughout the City.

.../4

The "Hamilton Rehabilitation Assistance Programme" provides the necessary funding for the replacements of aging and dilapidating retaining walls throughout the City for public safety concerns. The City shall assess and determine the needs and eligibility of the applicants on a case by case basis, and final approvals shall come from the Planning & Development Committee and City Council. Loans up to $20,000., secured by a registered lien on title, shall have a term of 5 years and an amortization period of 15 years, and will bear an interest rate of 3% per annum for family income less than $60,000., and at City's prime rate of lending for family income over $60,000. Outstanding loans shall be transferrable to new owner if sold and terms acceptable to purchaser.

(b) Building Permit Tracking Network System

On an annual basis, the Building Department process approximately 3,000 building permit applications, 5,000 zoning verifications, 300 Committee of Adjustment (COA) applications, and in excess of 15,000 construction and property standard inspections. The amount of paperwork flowing through the Department is voluminous, and the size of the information database is building up in an exponential manner. With 60+ stand-alone personal computers in the Department, it is often difficult to ascertain who is tracking what information, and which version of a particular document is the most recent. Responding to enquiries from the public and from elected officials, or obtaining a status report on building permit applications, COA applications, inspections, etc. often entails a manual probe through the property microfiche archive and outdated computer printouts, and a lengthy desk-to-desk search for the responsible plan examiner or building inspector. Occasionally, nothing can be done in the absence of the responsible staff member. All in all, a significant amount of our resources is expanded to accommodate the lack of a centralized/computerized information management system.

Dealing with similar problems, major cities in the Greater Toronto Area (GTA) such as Toronto, Etobicoke, North York, Mississauga, etc. have all recently implemented a computerized information management system. These systems, in general, centralize the information database in a "server" computer, where same is updated on a timely and on-going basis. Queries on the database can be processed through any one of the networked PC work stations instantaneously and simultaneously.

It is our belief that a "Building Permit Tracking Network System" will not only address the above mentioned concerns, it will also allow this Department to establish a technological edge to accommodate the changing corporate environment. More importantly, in light of the tightening fiscal restraints, this system affords us the much needed tool to manage our resources in a more effective, efficient, and economical manner. We already have the necessary PC hardware in place. The intent of this capital budget submission is to procure and implement an information management software customized to our unique departmental needs, to provide the necessary infrastructure to network the existing PC equipment, and to ultimately merge with the Corporate network in a seamless and connectionless manner. It is the mission of this system to:

.../5

(i) Minimize interdepartmental paper flow and duplication of records through the maintenance of a timely updated centralized database;

(ii) Provide quick and accurate responses to enquiries from the public and from members of Council;

(iii) Streamline and facilitate the processing of building permit and COA applications, zoning reports, site inspections, etc. by providing easy access to information;

(iv) Improve communication and information dissemination by providing a departmental E-Mail system;

(v) Achieve savings by reducing processing time and by improving staff productivity, without sacrificing our commitment to provide the highest level of customer service possible.

It is our estimate that savings will be in the range of $55,000. per annum, providing a pay-back period of 5 years based on a total capital cost of $250,000.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Building Department
2. PROJECT NAME: Hamilton Rehabilitation Assistance Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

A low interest loan programme to assist owners to replace deteriorating retaining walls. Maximum loan $20,000.00 at 3% interest per annum amortized over 15 years. Programme approved by Planning and Development Committee and City Council June 1994.

4. DEPARTMENT PRIORITY ORDER: _____

5. NATURE OF PROJECT:
   (a) MAINTENANCE OF AN EXISTING PROJECT — X
   (b) HARD SERVICE —
   (c) SOFT SERVICE — X

6. PROJECT JUSTIFICATION:
   (a) STRATEGIC DIRECTION — X
   (Image of the City, Quality of Life, Transportation) — X
   (b) HEALTH/SAFETY/ENVIRONMENT —
   (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT —
   (d) NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period) — X
   (e) ECONOMIC DEVELOPMENT —
   (f) PRODUCE JOBS IN THE PRIVATE SECTOR — X
   (g) MAINTAIN EXISTING SERVICE —
   (Roads, Buildings, Other basic infrastructure) —
   (h) REDUCE ONGOING COST (Staffing and/or resource requirements) —
   (i) GROWTH RELATED PROJECT —

7. FEASIBILITY STUDY:
   (a) DATE (MONTH-YEAR): (In house committee) —
   (b) GROSS COST — $1,500,000.00

8. (a) PROJECT STARTING DATE (MONTH-YEAR):
   (b) PROJECT FINISHING DATE (MONTH-YEAR): Ongoing

9. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 1,500,000.00
   (b) LESS PROVINCIAL SUBSIDIES:
   (Identify nature of Subsidy and describe) _____ $ _____
   (c) LESS OTHER RECEIPTS (Specify): _____ $ _____

   (d) NET CITY'S COST: $ NIL

10. (a) YEAR OF EXPENDITURE:

- 1995	$ 500,000	- 2000	$
- 1996	$ 500,000	- 2001	$
- 1997	$ 500,000	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$

11. **ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:**

(a)	FIRST YEAR - DATE (MONTH-YEAR)	_____
(b)	GROSS COST (All Inclusive)	$ _____
(c)	LESS RECOVERY/REVENUE	$ _____
(d)	NET CITY'S COST	$ _____
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	_____
(f)	GROSS COST (All Inclusive)	$ _____
(g)	LESS RECOVERY/REVENUE	$ _____
(h)	NET CITY'S COST	$ _____

12. **ADDITIONAL JOBS TO BE CREATED BY PROJECT:**

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	20 man years

13. **ESTIMATE PREPARED BY:**

(a) **PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION**

No X **Yes** _ _____

If yes, signature of Manager of Architectural Division

(b) **If no, the basis of assumptions**
Estimates prepared by Building Depatment

14. **EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:**
This is a loan programme however delay could be life safety, quality of life, reduction in property values, and increased municipal costs in Property Standards Enforcemenet.

15. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?**

No _X **Yes** _; **if yes,**

(a)	PROJECT NO. (1994-2003 Capital Budget)	_____
(b)	AT CITY'S COST OF	$ _____
(c)	SCHEDULED TO START IN THE YEAR	_____

_____ Dec 2/94

Signature of Department Head/ Local Board Manager — *Date*

16. **FUNDING (Treasury Department To Complete):**

(a) **NATURE OF PROPOSED FINANCING:** _____

(b) **RESERVE/CAPITAL LEVY FUNDING AVAILABLE:**
Yes __ **No** __

(c) **IF DEBENTURE FINANCING:**

(i)	ANNUAL DEBENTURE FINANCING COST:	$ _____
(ii)	TOTAL CARRYING COST OF RETIRING DEBT:	$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1995-2004 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

DEPARTMENT/LOCAL BOARD: Building Department
PROJECT NAME: Building Permit Tracking Network System
DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

To procure and install an automated network tracking system in the Building Department to re-engineer the delivery of essential functions such as building permit applications, committee of adjustment applications, housing loan applications, construction inspections, property standard inspections, management reporting, etc. in order to provide a higher level of service, albeit in a more efficient, effective, and economical manner.

DEPARTMENT PRIORITY ORDER: _____

NATURE OF PROJECT:

(a)	MAINTENANCE OF AN EXISTING PROJECT	_____
(b)	HARD SERVICE	_____
(c)	SOFT SERVICE	X

PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION	_____
	(Image of the City, Quality of Life, Transportation)	_____
(b)	HEALTH/SAFETY/ENVIRONMENT	_____
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	_____
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	_____
(f)	PRODUCE JOBS IN THE PRIVATE SECTOR	_____
(g)	MAINTAIN EXISTING SERVICE	_____
	(Roads, Buildings, Other basic infrastructure)	_____
(h)	REDUCE ONGOING COST (Staffing and/or resource requirements)	X
(i)	GROWTH RELATED PROJECT	_____

FEASIBILITY STUDY:

(a)	DATE (MONTH-YEAR): (In house committee)	08/1994
(b)	GROSS COST	$ 0

(a)	PROJECT STARTING DATE (MONTH-YEAR):	1995
(b)	PROJECT FINISHING DATE (MONTH-YEAR):	1996

(a)	GROSS COST OF PROJECT In Year-of-Start Dollars:		$ 250,000
(b)	LESS PROVINCIAL SUBSIDIES:		
	(Identify nature of Subsidy	_____	
	and describe)	_____	$ _____
(c)	LESS OTHER RECEIPTS (Specify):	_____	$ _____
(d)	NET CITY'S COST:		$ 250,000

(a) YEAR OF EXPENDITURE:

- 1995	$	175,000	- 2000	$	_____
- 1996	$	75,000	- 2001	$	_____
- 1997	$	_____	- 2002	$	_____
- 1998	$	_____	- 2003	$	_____
- 1999	$	_____	- 2004	$	_____

11. **ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:**

(a)	FIRST YEAR - DATE (MONTH-YEAR)	
(b)	GROSS COST (All Inclusive)	$
(c)	LESS RECOVERY/REVENUE	$
(d)	NET CITY'S COST	$(55,000)
(e)	FOLLOWING YEAR - DATE (MONTH-YEAR)	
(f)	GROSS COST (All Inclusive)	$
(g)	LESS RECOVERY/REVENUE	$
(h)	NET CITY'S COST	$ (55,000)

NOTE: *Includes programming costs, provision for computer systems, equipment/utilities, building and ground maintenance expenses, and all administrative costs.*

12. **ADDITIONAL JOBS TO BE CREATED BY PROJECT:**

(a)	WITHIN THE CITY DEPARTMENTS	NIL
(b)	IN THE COMMUNITY	NIL

13. **ESTIMATE PREPARED BY:**

(a) **PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION**

No X **Yes** _ _____

If yes, signature of Manager of Architectural Division

(b) **If no, the basis of assumptions**

Capital cost estimates, inclusive of hardware and software procurement costs and staff training costs, based on input from Jim Hindson, Director of Information System.

14. **EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:**

The automated tracking sytem will precipitate a reduction of $55,000/year in administrative costs commencing fiscal year 1995. On a net present value basis, this is equivalent to a cost saving perpetuity in the amount of $645,000 (based on a capitalization rate of 8.5% or the prevailing 5-year bond rate). Delay or elimination of the project will result in the lost of the aforementioned cost savings, reduction in the level of service, and limit future departmental restructuring/right-sizing opportunities.

15. **WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?**

No _X **Yes** _; **if yes,**

(a)	PROJECT NO. (1994-2003 Capital Budget)	
(b)	AT CITY'S COST OF	$
(c)	SCHEDULED TO START IN THE YEAR	

_____ Oct 19/94

Signature of Department Head/ Local Board Manager — *Date*

16. **FUNDING (Treasury Department To Complete):**

(a) **NATURE OF PROPOSED FINANCING:** _____

(b) **RESERVE/CAPITAL LEVY FUNDING AVAILABLE:**

Yes __ **No** __

(c) **IF DEBENTURE FINANCING:**

(i)	ANNUAL DEBENTURE FINANCING COST:	$
(ii)	TOTAL CARRYING COST OF RETIRING DEBT:	$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

MAY, PIRIE, DAKIN & ASSOCIATES LIMITE
LAND USE PLANNING CONSULTANTS
DONALD F. MAY, M.C.I.P. W. MORGAN PIRIE, M.C.I.P J. KENNETH DAKIN, B.E

11(a)

December 15, 1994
File No. HW-H-73

Alderman Don Drury, Chairman
Planning & Development Committee
City of Hamilton
71 Main St. W., 2nd Floor
Hamilton ON L8N 3T4

Dear Sir:

RE: CHEDOKE HEALTH CORPORATION - OFFICIAL PLAN AMENDMENT

As you are aware, we have referred the above-noted Official Plan Amendment to the Ontario Municipal Board on behalf of our client, Chedoke Health Corporation. Prior to a hearing, we would like to propose a mediation process with the area residents and the City of Hamilton.

We envision that the mediation process would involve a Neighbourhood Committee, a Council representative and the Ward Aldermen. We suggest that the Neighbourhood Committee consist of two (2) representatives from each of the abutting areas. Chedoke Health Corporation would also have its agents in attendance for meetings. An initial full Neighbourhood Open House would be held at the beginning and end of the process. The committee participants would agree on an agenda of meetings to discuss each identified concern. Council will be provided with regular reports regarding the progress. The members of the Neighbourhood Committee and Ward Aldermen would be responsible for reporting to each geographic area during the process. We anticipate that a two (2) month timetable will be required.

We believe that mediation is possible in this matter and, even if it is not completely successful, it will assist in scoping the issues. While a mediator is not necessary for this initial process, we are prepared to participate in a formal mediation process should this format be beneficial to all parties in the case of an impasse.

3310 SOUTH SERVICE ROAD, BURLINGTON, ONTARIO L7N 3M6
TELEPHONE (905) 632-4066 OAKVILLE (905) 847-0466 HAMILTON (905) 544-4870
FAX (905) 632-9528

We respectfully request your consideration of this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours truly,

MAY, PIRIE, DAKIN & ASSOCIATES

Donald F. May, M.C.I.P.

Terri L. Johns, B.A.
Senior Planner

DFM/TLJ/corr.23

cc: Alderman D. Ross, City of Hamilton
Alderman F. D'Amico, City of Hamilton
Mr. J. D. Thoms, Commissioner, Planning & Development Dept.

11(b)

CITY OF HAMILTON

- INFORMATION -

DATE: 1995 January 19
(OPA-MTV)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Mountview Neighbourhood - Request for Mediation on behalf of Chedoke Health Corporation

V.J. Abraham

BACKGROUND:

On December 15, 1994, the consultants for Chedoke Health Corporation requested, by letter, a mediation process with the area residents and the City of Hamilton. The process envisioned by the consultants would involve the formation of a neighbourhood committee similar to the neighbourhood committees used to formulate neighbourhood plans in developed neighbourhoods. The purpose of this committee would be to try to resolve the issues identified as a result of the public meetings held in 1994. If all the issues could not be resolved, the Committee may be able to resolve some issues thus narrowing the matters to be dealt with by the Ontario Municipal Board.

Staff of the Planning and Development Department have consulted with the two Ward Aldermen for the neighbourhood. Prior to making a decision on the request for mediation, the Ward Aldermen wish to consult with the residents of the area to determine if there is an interest in

participating in a mediation process and to identify potential committee members. Once this determination has been made with the area residents, a report with a recommendation will be forwarded to the Planning and Development Committee regarding the Neighbourhood Committee and process for mediation.

MLT/

cc: Don May, May, Pirie, Dakin & Associates
Mr. A. Zuidema, Law Department, City of Hamilton

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CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 January 25
9:30 o'clock a.m.
Room 233, City Hall

A G E N D A

A. **ADOPTION OF MINUTES**

Minutes of the Planning and Development Committee for its meeting held:

(i) 1995 January 4
(ii) 1995 January 10

B. **DIRECTOR OF PUBLIC WORKS**

(i) Downtown Action Plan - Phase IV - Seventh Annual Business Development Seminar

(ii) Downtown Action Plan - Phase IV - Seventh Public Service Announcement Competition

C. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 January 4
9:30 o'clock a.m.
Room 233, City Hall

A (i)

The Planning and Development Committee met.

There were present: Alderman Don Drury, Chairperson
Alderman Frank D'Amico, Vice-Chairperson
Mayor Robert Morrow
Alderman Fred Eisenberger
Alderman Marvin Caplan
Alderman Geraldine Copps
Alderman Bob Charters
Alderman William McCulloch

Also Present: Alderman Dominic Agostino
Alderman Tom Jackson
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Christine Lee-Morrison, Planning Department
Joanne Hickey-Evans, Planning Department
Nina Chapple, Planning Department
John Spolnik, Building Department
Brian Allick, Building Department
Don Inglis, Building Department
Peter Lampman, Building Department
Roland Karl, Traffic Department
Eugene Chajka, Transportation/Environmental Services
Stella Glover, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Amendment to the Official Plan and Zoning Application 94-26, Nicola Clarizio, owner, for changes in zoning for Block "1" for a modification to the "C" District; and, Block "2" from "AA" District to "C" District, modified, for lands located at 852 Upper Wentworth Street, Bruleville Neighbourhood**

The Committee was in receipt of a report dated 1994 December 15 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation respecting the proposed official plan amendment and zoning application and advised Committee members that of 319 notices mailed, 13 were received in favour and none were received opposed.

After discussion, the Committee approved the following:

(A) That approval be given to Official Plan Amendment No. 129 to establish a Special Policy Area to permit a mixed use commercial/residential building for general offices and a kitchen cabinet showroom and one (1) dwelling unit in a Residential designation, for property located at 852 Upper Wentworth Street and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That approval be given to amended Zoning Application ZAC-94-26, Nicola Clarizio, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, (Block "2") and a modification to the "C" (Urban

Protected Residential, etc.) District (Block "1") to permit general offices and a kitchen cabinet showroom on the first and second floor, and one dwelling unit on the second floor for lands located at 852 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Site Plan Control Application has been submitted and approved.

City Council may remove the "H" symbol and, thereby, give effect to the "C" District - modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(b) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,

(c) That Block "2" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,

(d) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, shown as Blocks "1" and "2", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses shall be permitted:

(1) General offices and a kitchen cabinet showroom on the first and second floor and having a maximum total gross floor area of not more than 95.0m^2; and,

(2) One dwelling unit on the second floor; and,

(3) An unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the building; and,

(ii) That Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,

(iii) That a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly lot line of Block "1".

(e) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1336, and that the subject lands on Zoning District Map E-18 be notated S-1336; and,

(f) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council; and,

(g) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 129 by the Regional Municipality of Hamilton-Wentworth; and,

(h) That the approved Bruleville Neighbourhood Plan be amended to change the designation of the lands located at 852 and 860 Upper Wentworth Street from "Medium Density Apartments" to "Commercial/Residential Conversion" and "Single and Double Housing".

(C) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

Alderman Geraldine Copps was recorded as opposed to this recommendation.

2. **Zoning Application 94-27, Gerald Coleman and Robert Coleman, owners, for a change in zoning from "C" District to "HH" District, for lands located at 71 Rymal Road West; Kennedy East Neighbourhood**

The Committee was in receipt of a report dated 1994 December 15 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation respecting the proposed request for changing zoning and advised Committee members that of fifty-seven (57) notices mailed, two were received in favour and five were received opposed.

The applicant addressed the Committee and stated that it was his understanding that the City would ask for approximately 18 feet for road widening and that he was not in favour of the mutual right-of-way.

Mr. Mallard addressed the concerns and the Committee agreed to table this matter until the next meeting in order that staff may address the concerns of the applicant with regard to the mutual right-of-way.

DIRECTOR OF LOCAL PLANNING/BUILDING COMMISSIONER

3. **City Initiative 94B - Review of Large Vehicles Including Recreational Vehicles in Residential Zoning Districts**

The Committee was in receipt of a report dated 1994 December 13 from the Director of Local Planning and the Building Commissioner respecting the above-noted matter.

The Committee was also in receipt of a written submission from Douglas Orval and Bernice Elizabeth Simmons of 226 Rymal Road West in favour of maintaining the existing zoning by-law.

Christine Lee-Morrison, Planning Department, made a presentation respecting the review of large vehicles including recreational vehicles in residential zoning districts.

Hugh Stoop, a recreational vehicle owner of East 26th Street, appeared before the Committee to express opposition to the by-law, stating that the original intent of the by-law was to restrict parking of transport trucks. He pointed out that all dual-wheel vehicles were not commercial vehicles and he was concerned that tickets may be issued without the owner being given the opportunity for explanation.

John Blackburn of 394 East 34th Street advised that he owned an recreational vehicle which had dual-wheels and was half a metre over the limit. However, this was out of sight on his property, his neighbours were not concerned and had made no complaints. He pointed out that his recreational vehicle was for retirement travelling and expressed concern that people could drive around and register complaints.

Avik Francis, a recreational vehicle owner of 354 Upper Ottawa Street, informed the Committee that his recreational vehicle was his only means of recreation and had been bought to travel in his retirement. The vehicle was parked at the rear of his property; his neighbours were not complaining; and, therefore, he felt he should be allowed this privilege.

Paul Turner, a recreational vehicle owner, expressed his opposition to the by-law stating that, in his opinion, it was overly restrictive. He pointed out that all new recreational vehicles were tandem and, therefore, in violation of the by-law. Mr. Turner said his recreational vehicle could not be seen from the street and that his neighbours had made no complaints. Mr. Turner stated that while he felt there should be standards, i.e. no hazards, eye-sores, and that vehicles should not be lived in on the property, he felt that the existing by-law was overly restrictive. He suggested a review and that other municipalities be polled in this regard. Mr. Turner also drew the Committee's attention to school buses which were parked in residential areas.

John Opose of 89 Kenora Avenue spoke in favour of the by-law and stated that his neighbour had a large mobile home which blocked his natural light and view and, in his opinion, should therefore be stored elsewhere.

John Young, a recreational vehicle owner of 17-31 Upper James Street, requested that a public meeting be held on this matter later in the spring. He was critical of how the notice of meeting was advertised and pointed out that most recreational vehicle owners were away during the winter months.

Bill Hepworth, a recreational vehicle owner of 11 Southampton Drive, spoke against the by-law. He informed the Committee that he had been convicted under the by-law and had been allowed no explanation. Also, he said that short-term parking for loading, etc., was not allowed under the present by-law. He added that the intent of the by-law was to limit commercial vehicles and restrict living in vehicles. He felt that the Committee should look at the changing lifestyles whereby people were retiring earlier and more retirees were investing in recreational vehicles. He added that storage off-site was not practical for security reasons and that the owner was still liable. Mr. Hepworth expressed concern at the problems which had arisen as the result of complaints.

Don Valley of 1162 West 5th Street agreed with the previous speaker and expressed concern that citizens had been promised input into the by-law and that this had not happened. He drew the Committee's attention to school buses which were parked in residential areas.

Cindy Rayner, a recreational vehicle owner, spoke against the by-law and stated that although her neighbours supported her, she had received a compliance notice as the result of a complaint from someone outside her neighbourhood.

Milton Strong of David Avenue, stated that he had a travel camper for 28 years and he thought that a separate by-law regarding recreational vehicles should be looked at to resolve this matter. Mr. Strong expressed concern that trailers should be backed onto properties and not driven in for safety reasons (in case of fire and the difficulty in removing propane tanks.)

Alderman Charters suggested and Alderman D'Amico agreed that staff continue to review option 2 of the report and seek input from the public in this regard and that the public meeting be held in the spring when these owners were back in residence.

Alderman Eisenberger suggested that particular attention be paid to the impact on the neighbourhood and that vehicles be parked out of sight at the rear of the property, etc. He agreed that off-site parking resulted in damage to the vehicles.

Alderman Caplan referred to the list of 75 complaints and expressed concern that enforcement not be carried out on such lists.

After consideration, the Committee tabled the review of vehicles in residential zoning districts and referred the matter back to staff to review option 2 of the report, to receive public input and to hold a public meeting in May, 1995.

The Committee further agreed that the Building Commissioner be authorized and directed to continue to enforce Zoning By-law 6593 on a request for service basis except in the case of the anonymous list of 75 complaints against recreational vehicles in residential zoning districts upon which he is to take no further action.

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

4. Authorization for Staff Attendance at an Ontario Municipal Board Hearing

The Committee was in receipt of a report dated 1994 December 19 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee approved the following:

> That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-94:225, respecting property located at 476 and 478 Upper Wellington Street.

5. Appeal to the Ontario Municipal Board by Latco (1986) Developments Limited - 85 Robinson Street (Thistle Club); Durand Neighbourhood (report available at meeting)

The Committee was in receipt of a report dated 1994 December 30 from the Commissioner of Planning and Development and the Director of Local Planning with regard to the above-noted matter.

Caroline Floroff, Planning Department addressed the subject report and the compromise reached by the Durand Neighbourhood Association and Latco (1986) Developments Limited with regard to 85 Robinson Street (Thistle Club).

Herman Turkstra addressed the compromise and informed the Committee of the large number of meetings held between the owner, developer and residents and asked the Committee to support the recommendations with amendments. He stated that the layout had been designed to be developed in two stages. He referred to two ramps leading to parking spaces and an understanding with the Durand Neighbourhood that they would not oppose a severance of this in the future.

Helene Fallen, the President of the Durand Neighbourhood Association, referred to the time constraints to reach an agreement and read a letter which she had written to Mr. Turkstra with regard to revisions upon which she wished to have clarification. Ms. Fallen requested that if questions were not answered satisfactorily that further time be allowed to finalize these points in writing.

Paul Mallard responded to Mr. Turkstra's proposed amendments to the recommendations. Laurie Connon of 75 Duke Street expressed her respect for the efforts of all concerned to come to a solution which is best for the area. She agreed with the request that another few days be allowed in order to put something down on paper.

Art Zuidema, Law Department, suggested that the Committee not deal with the matter that day and that a further meeting be held.

After consideration the Committee agreed to adjourn the matter sini di; that a meeting be arranged between all major parties; that a special meeting of the Planning and Development Committee be convened prior to the Council meeting on 1995 January 10 to deal with the details and at which time the City Solicitor will provide any necessary information.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

6. Designation of Lister Block - 28-44 James Street North/5-21 King William Street

The Committee was in receipt of a report dated 1994 December 20 from the Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter.

Nina Chapple provided clarification on the proposed designation.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the Lister Block at 28-44 James Street North/5-21 King William Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B", and

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

7. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1994 December 7. These Minutes were adopted as circulated.

B. BUILDING COMMISSIONER

(i) Hamilton Emergency Loan Programme - 50 Robins Avenue

The Committee was in receipt of a report dated 1994 December 6 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

> That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and forty-nine dollars ($349.) be approved for William and Karen Codd, 50 Robins Avenue. The interest rate will be 8 per cent amortized over 5 years.

(ii) Demolition Permit - 37 Dixon Street

The Committee were in receipt of a report dated 1994 December 16 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

> That the Building Commissioner be authorized to issue a demolition permit for 37 Dickson Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) Demolition Permit - 80 Hillyard Street

The Committee was in receipt of report dated 1994 December 16 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

> That the Building Commissioner be authorized to issue a demolition permit for 80 Hillyard Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iv) Demolition Permit - 535 Wentworth Street North

The Committee was in receipt of a report dated 1994 December 16 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 535 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. DIRECTOR OF PUBLIC WORKS

(i) REVISED BOARD OF MANAGEMENT - INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997

The Committee was in receipt of a report dated 1994 December 15 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

1. That Schedule 'B' of By-law 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

Wolfgang Schoen	Black Forest Inn
Paul Kircos	Alexanian Carpets
Gord Thompson	Thompson Jewellery and Pawn
John Kenyon	Payne Music
Jason Kropf	Rave Records
Pat J. Connell	Canadian Imperial Bank of Commerce
Agostino Ammendolia	Ammendolia Realty

2. That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-212 pursuant to (l.) above.

(ii) INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 14 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That the 1995 operating budget of the International Village B.I.A. (attached as Appendix "A") be approved in the amount of forty-six thousand, three hundred and seventy-six dollars ($46,376.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O.1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 01	$23,188.
September 01	$23,188.

Note: 1994 Levy Arrears will be deducted from the payments for 1995.

(iii) REVISED BOARD OF MANAGEMENT - WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

Alderman Caplan declared an interest in the following item and refrained from discussion and voting in this matter.

The Committee approved the following:

(a) That Schedule 'A' and 'B' of By-law No. 86-98, as amended, appointing the Westdale Village B.I.A. Board of Management, be repealed and the following names substituted:

Schedule 'A'

Alderman M. Kiss
Alderman M. Caplan

Schedule 'B'

D. Upsdell	Oddities
S. Snider	The Picture Frame
F. Wands	Retirement Counsel of Canada
M. B. Ledden	Judy Marsales Real Estate
R. Lahie	Jack Carruth Shoe Store
G. Ditner	Cottage Florist
D. Simpson	Simpson Watson and Vujnovic
J. Rosenweig	Chez Bon Bon

(b) That the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law 86-98 pursuant to (a) above.

(iv) WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

Alderman Caplan declared an interest in the following item and refrained from discussion and voting in this matter.

The Committee approved the following:

(a) That the 1995 operating budget of the Westdale Village B.I.A. (attached as Appendix "A") be approved in the amount of twenty-five thousand dollars ($25,000.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 15	$6,250.
March 15	$6,250.
June 15	$6,250.
September 15	$6,250.

Note: 1994 Levy Arrears will be deducted from the payments for 1995.

(v) **REVISED BOARD OF MANAGEMENT - MAIN WEST ESPLANADE BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997**

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

Alderman Caplan declared an interest in the following item and refrained from discussion and voting in this matter.

The Committee approved the following:

(a) That Schedules 'A' and 'B' of By-law No. 92-078, as amended, appointing the Main West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

Schedule 'A'

Alderman M. Kiss
Alderman M. Caplan

Schedule 'B'

M. Farrugia	Calla Decor and Design
A. Perniac	Lorne Haverty Limited
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard Speziale Design Associates Ltd.

(b) That the City Solicitor be authorized and directed to amend Schedules 'A' and 'B' of By-law No. 92-078 pursuant to (a) above.

(vi) MAIN WEST ESPLANADE BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That the 1995 operating budget of the Main West Esplanade B.I.A. (attached as Appendix "A") be approved in the amount of four thousand, four hundred dollars ($4,400.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 15	$1,100.
March 15	$1,100.
June 15	$1,100.
September 15	$1,100.

Note: 1994 Levy Arrears will be deducted from the payments for 1995.

(vii) REVISED BOARD OF MANAGEMENT - BARTON GENERAL BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997

The Committee was in receipt of a report dated 1994 December 12 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That Schedule 'A' and 'B' of By-law No. 87-308, as amended, appointing the Barton General B.I.A. Board of Management be repealed and the following names substituted:

Schedule 'A'

Alderman B. Morelli
Alderman D. Drury

Schedule 'B'

Keith Cody	Cody's Wallcoverings
Marko Tollis	The Riveria Banquet Centre
Janice Robinson	Royal Bank
Mark Daily	Marco's Pizza and Subs

(b) That the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law No. 87-308 pursuant to (a) above.

(viii) BARTON GENERAL BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 9 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That the 1995 operating budget of the Barton General B.I.A. (attached as Appendix "A") be approved in the amount of six thousand dollars ($6,000.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 01	$1,500.
March 01	$1,500.
June 01	$1,500.
September 01	$1,500.

Note: 1994 Levy Arrears will be deducted from the payments for 1995.

(ix) REVISED BOARD OF MANAGEMENT - OTTAWA STREET BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997

The Committee was in receipt of a report dated 1994 December 13 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That Schedule 'A' and 'B' of By-law No. 86-99, as amended, appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Schedule 'A'

Alderman B. Morelli
Alderman D. Drury
Alderman G. Copps
Alderman D. Wilson

Schedule 'B'

Gord Culshaw	A & B Catering
Michael Kier	Surplus-Plus
Gerald R. Carrey	Howard's Flower Shoppe
John Gut	The Textile Centre
John Driscoll	Price Busters
Edith Desmarais	Fred Gregory Florist
Rosemary Young	Wentworth Paints
Greta Munt	Greta's Flaire
Herb Pelz	E-Z Type Design
Tony Bifano	Anton's Video

(b) That the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law No. 86-99 pursuant to (a) above.

(x) OTTAWA STREET BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 13 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That the 1995 operating budget for the Ottawa Street B.I.A. (attached as Appendix "A") be approved in the amount of forty-seven thousand, five hundred dollars ($47,500.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 15	$11,875.
March 15	$11,875.
June 15	$11,875.
September 15	$11,875.

Note: 1994 levy arrears will be deducted from the payments for 1995.

(xi) REVISED BOARD OF MANAGEMENT: DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

Alderman Caplan declared an interest in the following item and refrained from discussion and voting in this matter.

The Committee approved the following:

(a) That Schedule 'B' of By-law No. 86-73, as amended, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

R. Titian	Reggie's Music and Sound
G. Attard	Geraldo's/Ramada Hotel
D. Kinash	Gaslight Tavern
T. Fraleigh	Tefcom Ltd./Grindstone Properties
P. Bhatia	Accountax and Paralegal
W. Gerovsky	Leeds of Hamilton
A. Morgante	Adventure Attic
M. Caplan	Marvin Caplan Gentlemen's Apparel
J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
D. Hannah	Canadian Imperial Bank of Commerce

(b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-73 pursuant to (a) above.

(xii) DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

Alderman Caplan declared an interest in the following and refrained from discussion and voting in this matter.

The Committee approved the following:

(a) That the operating budget of the Downtown Hamilton B.I.A. (attached as Appendix "A") be approved in the amount of eighty-four thousand dollars ($84,000.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 15	$21,000.
March 15	$21,000.
June 15	$21,000.
September 15	$21,000.

NOTE: 1994 Levy Arrears will be deducted from the payments for 1995.

(xiii) REVISED BOARD OF MANAGEMENT - CONCESSION STREET BUSINESS IMPROVEMENT AREA (B.I.A.) - 1995-1997

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That Schedules 'A' and 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be repealed and the following names substituted:

Schedule 'A'

Alderman H. Merling
Alderman T. Anderson

Schedule 'B'

Betty Toplack	Mountain Bookstore
Ray Devries	Ford & Associates
Roger Burroughs	Camtech
Norm Woolcott	Woolcott's Shoes

(b) That the City Solicitor be authorized and directed to amend Schedules 'A' and 'B' of By-law No. 86-144 pursuant to (a) above.

(xiv) CONCESSION STREET BUSINESS IMPROVEMENT AREA (B.I.A.) - PROPOSED BUDGET AND SCHEDULE OF PAYMENTS FOR 1995

The Committee was in receipt of a report dated 1994 December 19 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

(a) That the 1995 operating budget of the Concession Street B.I.A. (attached as Appendix "A") be approved in the amount of eight thousand, five hundred and seventy-five dollars ($8,575.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1995 budget as referenced in (a) above; and,

(c) That the following Schedule of Payments for 1995 be approved:

January 15	$2,143.75
March 15	$2,143.75
June 15	$2,143.75
September 15	$2,143,75

Note: 1994 Levy Arrears will be deducted from the payments for 1995.

D. SECRETARY PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1994 December 20 from the Secretary Planning and Development Committee respecting various Information Items which previously had been distributed to Committee Members.

The Committee approved the following:

That the following Information Items, which previously have been forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information report dated 1994 December 19 from the Commissioner of Planning and Development and the Director of Local Planning respecting approved site control applications.

8. OTHER BUSINESS

(a) Chedoke Health Corporation - Official Plan Amendment

The Chairperson advised the Committee of a letter which he had received from the land use planning consultants with regard to the above-noted matter. Alderman D'Amico informed the Committee that further information will be brought back in this regard in the near future.

9. ADJOURNMENT

Taken as read and approved,

Alderman Don Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary

/sp

Tuesday, 1995 January 10
6:00 o'clock p.m.
Room 233, City Hall

A (ii)

The Planning and Development Committee met.

There were present:	Alderman Don Drury, Chairperson Alderman Frank D'Amico, Vice-Chairperson Alderman Marvin Caplan Alderman William McCulloch Alderman Geraldine Copps Alderman Bob Charters Alderman Fred Eisenberger Alderman Mary Kiss
Regrets:	Mayor Robert Morrow Alderman Tom Jackson Alderman Henry Merling
Also Present:	Joe Schatz, City Clerk Len King, Building Commissioner Art Zuidema, Law Department Victor Abraham, Director of Local Planning Stella Glover, Secretary

1. Appeal to the Ontario Municipal Board by Latco (1986) Developments - 85 Robinson Street (Thistle Club)

The Committee was in receipt of a report dated 1995 January 10 from the Commissioner of Planning and Development and the Director of Local Planning with respect to the above-noted matter.

Alderman McCulloch advised the Committee that an agreement had been drawn up between the applicant and members of Durand Neighbourhood Association together with the majority of other interested parties. While the agreement did not make everyone completely happy, Alderman McCulloch stated that the compromise which had been reached was one which everyone could live with.

The Committee approved the following:

The compromise reached with respect to amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club), as shown on the attached map marked as APPENDIX "A", between the owner (Latco (1986) Developments Limited) and the Durand Neighbourhood Association can be supported on the following basis:

- the existing By-law No. 88-261 is to be amended so that the developer has two individual options for the development of the property:
  - the first option would be to allow that which is permitted under By-law No. 88-261;
  - the second option would allow for:
    a) two apartment buildings, one fronting onto Robinson Street and one fronting onto Charlton Avenue, and the remaining Thistle Club building with a maximum gross floor area ratio of 2.25 times lot coverage (approximately 17,490 m^2 or 188,270 $feet^2$);

b) if/when the remaining Thistle Club building is demolished, the vacant lands would be redeveloped on the following basis:

i) maximum gross floor area of 2545 m^2 (27,395 $feet^2$);

ii) maximum height of 4 stories;

iii) minimum yard requirements: as per attached APPENDIX "B";

iv) permitted uses in accordance with the "E" District regulations; and townhouses, street townhouses and maisonettes in accordance with the "RT-20" District regulations;

v) maximum gross floor area ratio, including two apartment buildings in Part (a) above, would not exceed 2.25;

vi) parking will be permitted on the lands upon which the building facing Robinson Street and the building facing Charlton Avenue are to be constructed;

c) the following will be established with respect to amenity area:

i) "amenity area" be defined as "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges, and recreation areas";

ii) amenity area will be provided on the following basis:

Building facing Robinson Street - a minimum of 278.7 m^2(3000 $feet^2$); and,

Building facing Charlton Avenue - a minimum of 371.6 m^2 (4000 $feet^2$);

iii) required amenity area will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as set out below:

Building facing Robinson Street
Amenity area to a maximum of 278.7 m^2 (3000 $feet^2$) will not be included in the gross floor area calculation;

Where balconies are enclosed, the resultant increase in gross floor area will be excluded up to a maximum of 696.75 m^2 (7500 $feet^2$);

Building facing Charlton Avenue
Amenity area to a maximum of 371.6 m^2 (4000 $feet^2$) will not be included in the gross floor area calculation;

Where balconies are enclosed the resultant increase in gross floor area will be excluded up to a maximum of 836.1 m^2 (9000 $feet^2$);

d) not more than 200 dwelling units in the building facing Robinson Street and the building facing Charlton Avenue combined (not including the remaining Thistle Club lands);

- a site specific by-law be prepared in a form similar to By-law No. 92-197 (the Carter Square by-law);

- the applicant will engage traffic engineers to work with the Durand Neighbourhood Association and make recommendations to the City Traffic Department concerning the traffic impacts on Charlton Avenue; and,

- the applicant will provide an undertaking to:

  - provide the Durand Neighbourhood Association with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with Durand on the Site Plan during the site plan process; and,

  - obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impact at the ground level of the building facing Robinson Street.

That staff be directed to advise the Ontario Municipal Board that the City supports the compromise as set out in Recommendation No. 1.

2. - Adjournment

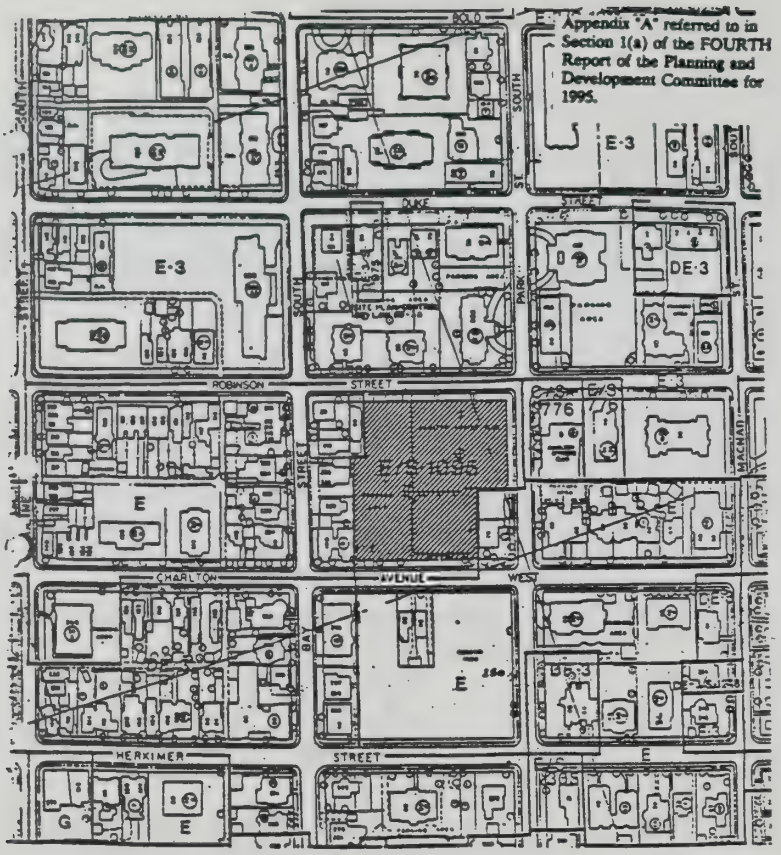
There being no further business, the meeting then adjourned.

Taken as read and approved,

Alderman Don Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary
/sp

Appendix "A" referred to in Section 1(a) of the FOURTH Report of the Planning and Development Committee for 1995.



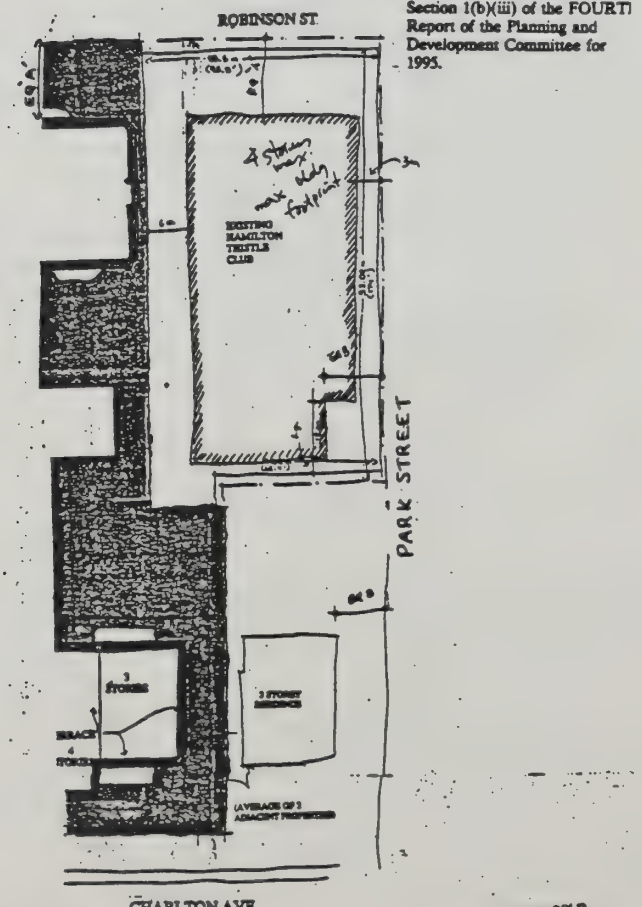
Legend

Site of the Application

ZAC 93-17

APPENDIX A

Appendix "B" referred to in Section 1(b)(iii) of the FOURTH Report of the Planning and Development Committee for 1995.



APPENDIX B

B (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 12

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Downtown Action Plan - Phase IV
Seventh Annual Business Development Seminar

RECOMMENDATION:

1. That $5,000. be provided for the Seventh Annual Business Development Seminar that is being held on 1995 October 25, from Phase IV of the Downtown Action Plan Account Number CF 5200-428803000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available within Phase IV of the Downtown Action Plan Account Number CF 5200 428803000.

BACKGROUND:

The Business Development Seminar was first held in October 1989 as part of Phase IV of the Downtown Action Plan. The need for an educational seminar for local businesses was determined to be a requirement of sustaining a healthy core community by the Downtown Action Plan Phase IV Consultants, Moorhead Fleming Corban & McCarthy. The Plan was approved by City Council at its meeting held 1986 August 26.

The Seminar is co-ordinated through efforts of the City of Hamilton, the Regional Municipality of Hamilton-Wentworth, the International Village B.I.A., Ontario Skills Development, the Federal Business Development Bank and other community volunteers. Since its inception in 1989 it has proved to be a successful seminar and, business and corporate sponsorship has grown steadily over the years.

An objective of the Business Development Seminar is that it develop into a financially self-sufficient event. To this end a review of preliminary accounts of revenues and expenditures for the 1994 Seminar indicates that the Seminar will breakeven or in fact have a marginal surplus. The organizing committee is committed to reviewing the success of the 1994 Seminar with a view to improve where necessary keeping in mind the objective of educating the small business merchant at a nominal fee.

HM:hm

c.c. Mary Pocius, Chairperson
Business Development Seminar

Alderman Wm. McCulloch, Chairperson
Downtown Action Plan Co-ordinating Committee

Alan Ross, City Treasurer
Treasury Department
Attn: Brian Hill

B (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo
Director of Public Works

SUBJECT: Phase IV of the Downtown Action Plan;
Seventh Public Service Announcement Competition.

RECOMMENDATION:

1. That the City of Hamilton's Public Works Department, in conjunction with the Keep Hamilton Clean Committee, hold the 7th Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of $3,000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

On 1988 November 29 City Council adopted Section 1 of the 23rd Report of the Planning and Development Committee which approved recommendations one through four and six of the City of Hamilton's Sanitation Study. Pursuant to this a Public Service Announcement (P.S.A.) Competition was established in 1989 in co-operation with Mohawk College and CHCH-TV. The P.S.A. has been very successful over the past six years and has assisted the City of Hamilton in developing community awareness amongst its residents particularly the

downtown business operators. The students of the Media Studies Program at Mohawk College are ready to commence preparing their submissions for the P.S.A. for 1995. Selection of the winning entries is carried out by the Keep Hamilton Clean Committee, Mohawk College, CHCH-TV and the Public Works Department. Awards will be made in approximately July-August 1995.

HM:hm

c.c. Alderman D. Wilson, Ward Four

Mr. C. Gibbs, Superintendent
Streets & Sanitation
Public Works Department

Mr. K. Wallace, Media Studies
Mohawk College of Applied Arts & Technology

Mr. B. Janes
CHCH-TV

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 19

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Stella Glover, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

a) Submission dated 1995 January 2 from Jim Young re City Initiative 94-B - Review of Large Vehicles including Recreational Vehicles in Residential Zoning Districts

b) OMB Disposition of 1994 November 14 re Rezoning of 1605 Main Street East

c) OMB Notice of Information/Mediation Meeting to be held 1995 January 26 re establishment of a new Special Policy Area

d) OMB Decison dated 1995 January 6 re Price Club Canada Inc.

e) Information Report dated 1994 December 29 from the City Solicitor re Environmental Appeal Board Hearing

f) Information Report dated 1995 January 4 from the City Solicitor re City of Hamilton Act - Heritage Demolition - Special Legislation

g) Information Report dated 1994 December 19 from the Commissioner of Planning and Development and the Director of Local Planning re Approved Site Plan Control Applications

h) Information Report dated 1995 January 16 from the Commissioner of Planning and Development and the Director of Local Planning re Approved Site Plan Control Applications

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The aforementioned reports have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that they are recorded in the Minutes for future reference.

URBAN/MUNICIPAL
CA4 ON HBL AQ5
C51P4
1995

Ken Roberts
C.E.O. Hamilton Public Library
2nd flr

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
FEB 6 1995

Wednesday, 1995 February 8th
9:30 o'clock a.m.
Room 233, City Hall

GOVERNMENT DOCUMENTS

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA
PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 94-29, J. and C. Martin and The City of Hamilton, owners, for changes in zoning from "B" (Suburban Agriculture and Residential etc.) District to "B-2" (Suburban Residential) District, for Block "1", and to "B-2" (Suburban Residential) District, modified, for Block "2", and from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified, for Block "3", for lands located at the south-east corner of Stone Church Road East and DiCenzo Drive.

2. **COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING**

   Authorization for Staff Attendance at Ontario Municipal Board Hearings:

   (a) 121 Ivon Avenue and 4 Bala Place
   (b) 47 Erie Avenue

3. **CITY SOLICITOR**

   By-law No. 93-167 - Building Permit Fees

4. **BUILDING COMMISSIONER**

   Ontario Home Renewal Program Fund (95.2.4.2.1.A)

5. **SENIOR DIRECTOR ROADS DEPARTMENT**

   Lot Grading, Eleanor Gardens - Phase 5, Addition

6. **CORRESPONDENCE**

7. **CONSENT AGENDA**

8. **TASK FORCE TO REVIEW THE SUB-COMMITTEE STRUCTURE**

   Recommendations - Sub-Committees Reporting to the Planning and Development Committee

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
5.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
6.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
7.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
8.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
9.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Report
10.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
11.	Official Plan Review	1994 October 5	Planning	Staff to prepare Terms of Reference including issues to be studied, timing and costs
12.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues

13.	Deletion of Public Parking Lots as Permitted Uses in Downtown Area and "CR" Districts	1994 October 5	Planning	Ad-hoc Committee established - Planning Department to work with various interest groups to study proposal
14.	Billiard Halls - Review Planning Approach	1994 November 2	Planning	Planning to report back on planning approach and restrictions to billiard halls
15.	Albion Falls Modified Neighbourhood Plan Review	1994 November 2	Planning	Staff to hold public meeting and report back at 1994 December or 1995 January meeting
16.	Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue	1994 December 7	Public Works and Traffic	Staff to report back on total costs for the reconstruction of the traffic islands
17.	CI94B - Review of large vehicles (including RV's) in Residential Zoning Districts	1995 January 4	Planning and Building	Tabled - Staff to review Option 2 of report, receive public input. Public meeting to be held in May. No action to be taken on list of complaints and zoning by-law 6593 not to be enforced re RV's until after resolution in May.

1995 January 19

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 31
ZAC-94-29
Ryckmans Neighbourhood

REPORT TO: Ms. Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for Changes in Zoning - South-East Corner of Stone Church Road East and Dicenzo Drive

RECOMMENDATION:

1. That approval be given to Zoning Application ZAC-94-29, J. and C. Martin and The City of Hamilton, owners, for changes in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, for Block "1", and to "B-2" (Suburban Residential) District, modified, for Block "2", and from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified, for Block "3", to permit development of the subject lands for seven large lot single-family dwellings, for lands located at the south-east corner of Stone Church Road East and Dicenzo Drive, as shown on the attached map, marked as APPENDIX "A", on the following basis:

   a) That Block "1" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District;

   b) That Block "2" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, modified;

   c) That Block "3" be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified;

d) That the "B-2" (Suburban Residential) District regulations as contained in Section 8B. of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variance as a special requirement:

   (i) Notwithstanding Section 8B.(4) every lot or tract of land shall have a width of at least 15.0 meters and an area of at least 430 square meters.

e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9C be notated S- ;

f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning for lands located at the south-east corner of Stone Church Road East and Dicenzo Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District;

Block "2" - from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, modified; and,

Block "3" - from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified.

The effect of the proposed changes in zoning is to permit development of the subject lands for seven large lot single-family dwellings.

In addition, the By-law provides for the following variance as a special requirement:

- requires a minimum lot width of 15.0 m and a minimum lot area of 430 m^2, for Blocks "2" and "3", whereas the By-law requires a minimum width of 15.0 m and a minimum area of 540 m^2.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The proposal is to develop the subject lands for 7 large lot single-family dwellings, ranging in lot area from 433 m^2 to 1,032 m^2 (see attached plan marked as APPENDIX "B"). It is noted that the City currently owns the western portion of the subject lands, and the Martins own the eastern portion. A coordinated approach to development for these two parcels is advantageous due to the irregular shape of both parcels. Consequently, a land exchange has been agreed upon by both parties, to facilitate coordinated development. The exchange will result in the City's ownership of lots 1, 2 and 6 for development and the Martins' ownership of lots 3, 4, 5 and 7 for development. This rezoning application is a condition of the land exchange. In addition, the Martins are required to obtain land severances for their portion of the subject lands. As of yet an application has not been made to the Land Division Committee.

APPLICANT:

J. and C. Martin and the City of Hamilton, owners.

LOT SIZE AND AREA:

- 70.7 m of frontage on Stone Church Road East;
- approximately 91.6 m deep; and
- approximately 4,171 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant land	"B" (Suburban Agriculture and Residential, etc) District and "AA"

Surrounding Lands

to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	vacant land (subdivision registered for single-family lots) and City park	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	large lot single-family	"B" (Suburban Agriculture and Residential, etc.) District
to the west	City park and large lot single-family	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan, the following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated **Single and Double Residential** on the Approved Ryckmans Neighbourhood Plan. The proposal complies with the intent of the Approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advise they have no objection.

- The Building Department advises:

  "Every lot or tract of land in a "B-2" District shall have a width of 15m (49.21ft.) and an area of at least 540 m^2 (5,812.70 ft^2). It appears that some of the proposed lots do not meet these requirements."

- The Regional Roads Department advises:

  "1. The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, the following road widenings must be deeded to the Region as a condition of development approval:

     i) Lands owned by the City of Hamilton shown as Part 14 on Reference Plan 62R-11790.

     ii) Sufficient lands to establish the property line 15.24 m from the centreline of the original Stone Church Road road allowance adjacent to lands at No. 100 Stone Church Road East.

  2. There are water services and separate storm and sanitary sewers available to service the subject lands.

  3. There is a .30 m reserve shown as Part 13 on Reference Plan 62R-11790 adjacent to DiCenzo Drive and the proposed east-west street intersecting DiCenzo Drive. Further, there are a number of outstanding servicing costs to the City of Hamilton and the Region adjacent to the entire block of land to be zoned. Although we have no objection in principle to this rezoning application, we advise at this time that as a condition of Land Severance approval that the applicant/owner must satisfy all the requirements of the City of Hamilton and the Region of Hamilton-Wentworth with respect to the servicing of Lots 1 to 7 inclusive as shown on the plan submitted with this application.

4. For the information of the applicant, the Region is preparing functional design plans for the widening and reconstruction of this section of Stone Church Road. Any further enquiries on this should be directed to the Special Projects Office of the Roads Department at 546-4277."

- The Traffic Department advises:

"As previously indicated in our letter of 1994 November 16, the application to permit development as single and double residential is satisfactory. It is our understanding that the lands exchange is to take place that will provide lots 5 & 6 shown on the submitted plan with frontage on DiCenzo Drive. However, it appears that lots 6 & 7 do not meet the minimum lot area requirement for B-2 District zoning. Therefore, we recommend that lots 6 & 7 be combined to form one lot.

As an alternative, we suggest that lots 6 & 7 be combined to form a block of land to be developed in conjunction with lands to the east fronting on the proposed future street. This would provide for a more orderly lotting arrangement and sufficient property to provide the required lot width for B-2 District zoning, 15.0 m. as shown in red on the attached plan.

We recommend that final approval of the change in zoning be subject to the completion of the land exchange and that the lands be developed under a plan of subdivision in order to ensure the orderly arrangement of residential lots.

It is likely that the intersection of Stone Church Road East and DiCenzo Drive will be signalized in the future and as such may include raised concrete medians that will restrict access to some of the proposed residential lots."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the Approved Ryckmans Neighbourhood Plan.

2. The proposal can be supported for the following reasons:

   - it will implement the intent of both the Official Plan and Approved Ryckmans Neighbourhood Plan, which designate the subject lands **"Residential"** and **"Single and Double Residential"**, respectively;

- it will provide for large lot single-family dwellings, which will be compatible with and complement existing large lot single-family dwellings along Stone Church Road East, as well as, existing and future intended development within the Ryckmans Neighbourhood (ie. standard single-family lots and parkland to the south); and,

- it will provide for a coordinated development approach incorporating two irregular shaped parcels of land, resulting in an enhanced lot layout.

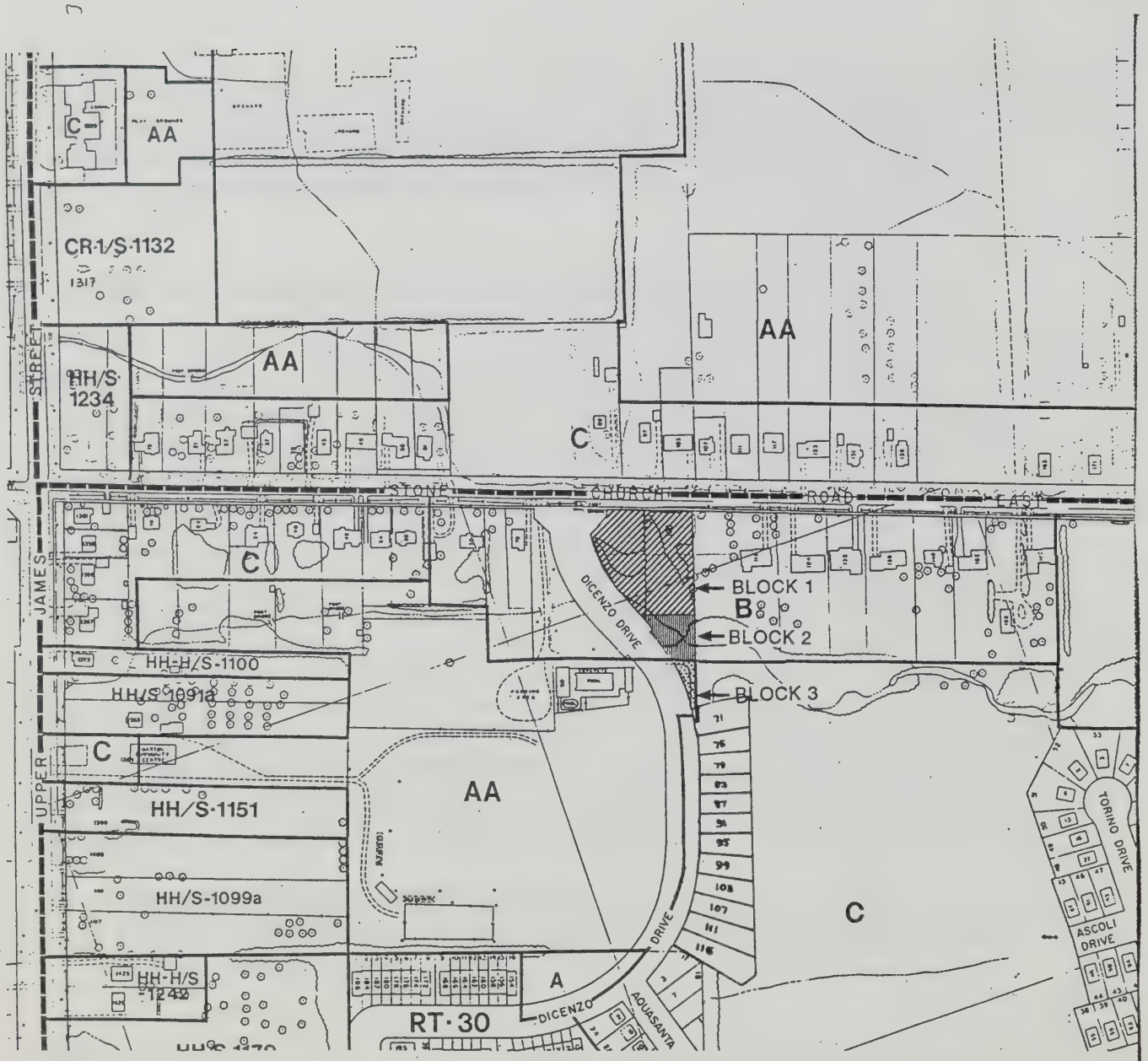
3. The proposed lot layout will require a modification to the "B-2" District regulations, to permit Blocks "2" and "3" (proposed lots 6 and 7 on APPENDIX "B"), to have minimum lot areas of 430 m^2 each, whereas the By-law requires a minimum of 540 m^2. Lot 6 is proposed to have a lot area of approximately 481 m^2 and the area of lot 7 would be approximately 433 m^2. Both lots will meet the minimum lot width requirement of 15.0 m. It should be noted that although these two lot areas would be somewhat reduced, the average lot area proposed for the subject lands is 589 m^2, which is 49 m^2 in excess of the minimum requirement. In this regard, the overall density proposed is actually lower than the "B-2" (Suburban Residential) District regulations would provide for (ie. using minium requirements). Furthermore, notwithstanding the reduced lot areas, lots 6 and 7 are still significantly larger than a standard "C" (Urban Protected Residential, etc.) District lot (ie. minimum lot area of 360 m^2 and lot width of 12 m). In addition, lots 6 and 7 are appropriately located at southern portion of the subject lands, where they provide for a progression from large lots along Stone Church Road East, to standard "C" District lots, along Dicenzo Drive to the south. Based on the foregoing, the variance can be supported.

4. It is noted that the road widening and service cost requirements of the Regional Roads Department can be dealt with as conditions of land severance.

CONCLUSION:

Based on the foregoing, the application can be supported.

CL-M



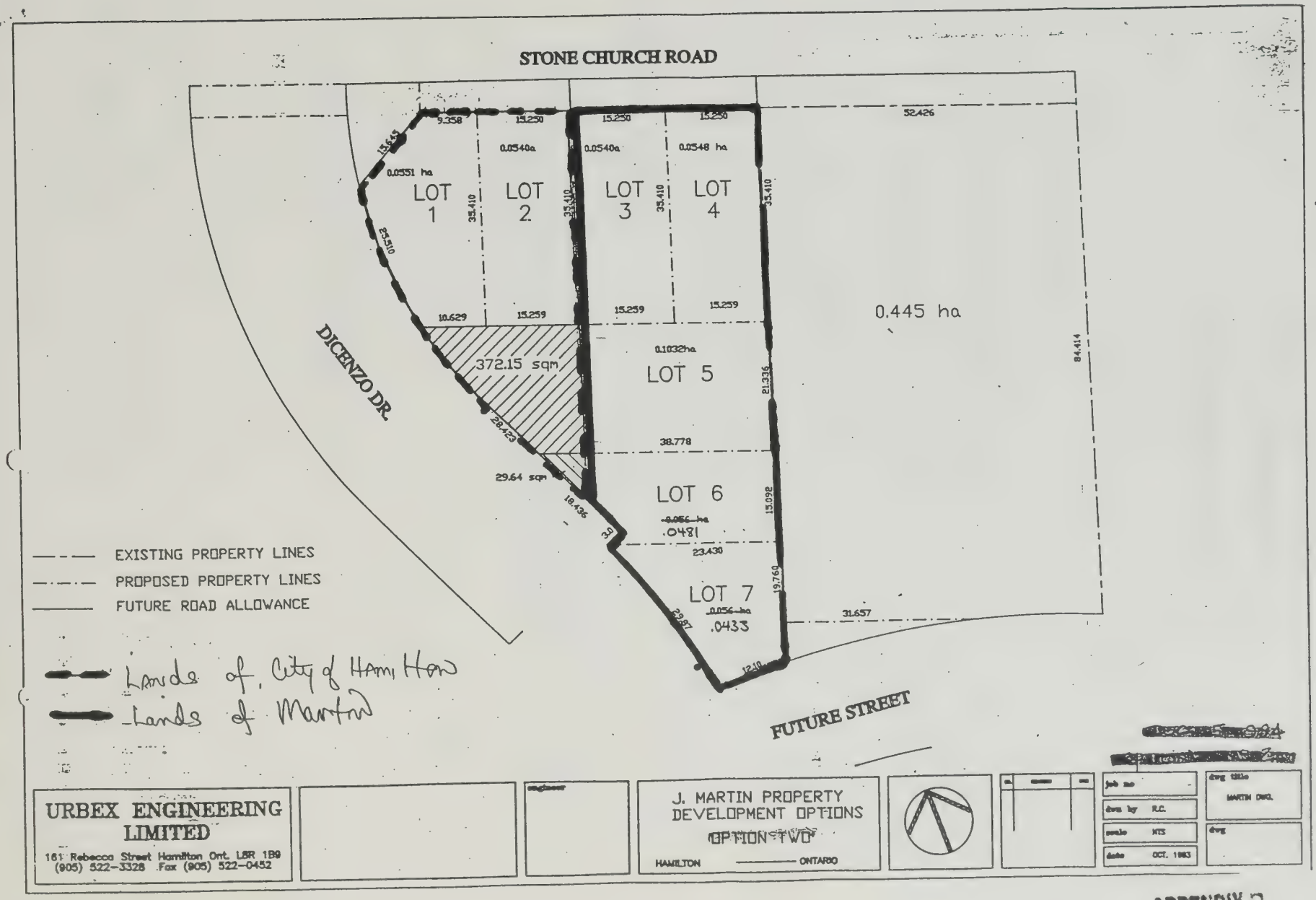
Legend

ZAC-94-29

Proposed change in zoning from:

BLOCK 1		"B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District
BLOCK 2		"B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, modified
BLOCK 3		"AA" (Agriculture) District to "B-2" (Suburban Residential) District, modified

APPENDIX A


STONE CHURCH ROAD
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
0.0551 ha
0.0540a
0.0540a
0.0548 ha
0.445 ha
372.15 sqm
0.1032ha
.0481
.0433
DICENZO DR.
FUTURE STREET
EXISTING PROPERTY LINES
PROPOSED PROPERTY LINES
FUTURE ROAD ALLOWANCE
Lands of City of Hamilton
Lands of Martin
URBEX ENGINEERING LIMITED
161 Rebecca Street Hamilton Ont. L8R 1B9
(905) 522-3328 Fax (905) 522-0452
J. MARTIN PROPERTY
DEVELOPMENT OPTIONS
OPTION TWO
HAMILTON ONTARIO
OCT. 1993

APPENDIX B

2(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 31

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Authorization for Staff Attendance at Ontario Municipal Board Hearings

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings, respecting properties located at No. 121 Ivon Avenue and No. 4 Bala Place (Committee of Adjustment applications A-94:214 and A-94:219, respectively).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The following Committee of Adjustment applications have recently been appealed to the Ontario Municipal Board:

- A-94:214

  At its meeting of November 9, 1994, the Committee accepted Planning staff's recommendation and approved this application, to permit an increase in the capacity of a residential care facility from 6 residents to 8 residents, whereas the Zoning By-law permits a maximum capacity of 6 residents, for property at No. 121 Ivon Avenue.

- A-94:219

  A its meeting of November 23, 1994, the Committee accepted Planning staff's recommendation and denied this application, to permit an accessory structure to maintain a setback of 1.52 m, whereas the By-law requires a minimum setback of 6.0 m, for property at No. 4 Bala Place.

Dates for the Ontario Municipal Board hearings have not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearings.

CL-M

2 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: January 31, 1995

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-94:228, respecting property located at No. 47 Erie Avenue.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Committee of Adjustment application A-94:228 has recently been appealed to the Ontario Municipal Board. At its meeting of December 14, 1994, the Committee accepted Planning staff's recommendation and denied the application. The application is to permit a second storey deck and walkway (fire escape) together with stairs to be located as close as 0.12 m (0.42 ft.) to the south side lot line, whereas the By-law requires 0.8 m (2.62 ft.). A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 25

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: By-law No. 93-167 - Building Permit Fees

RECOMMENDATION:

That the attached By-law be enacted by City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council, on December 13, 1994, in adopting Item No. 6 of the 2nd Report of the Planning and Development Committee authorized the City Solicitor to prepare the attached by-law to amend By-law 93-167 respecting Building Permit Fees.

LEF:as
Enc.

c.c. L. King, Building Commissioner, **Attn: W. Wong**
c.c. A. Ross, Treasurer, **Attn: G. Keith**

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

By-law No. 93-167

Respecting

BUILDING PERMIT FEES

WHEREAS By-law No. 93-167 was enacted on the 27th day of July, 1993 to specify the Building Permit fees;

AND WHEREAS paragraph 3 of Schedule "A" of By-law No. 93-167 creates a Permit fee of $75.00 for re-shingling a single family residence roof;

AND WHEREAS Council, on December 13, 1994, in adopting Item No. 6 of the 2nd Report of the Planning and Development Committee authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

Paragraph 3 of Schedule "A" of By-law No. 93-167 is repealed.

PASSED this day of 1993.

CITY CLERK MAYOR

(1994) 2 R.P.D.C. 6, December 13

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 2

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Ontario Home Renewal Program Fund (95.2.4.2.1.A)

RECOMMENDATION:

1. That the Building Commissioner be authorized and directed to maintain the Ontario Home Renewal Program (O.H.R.P.) Fund of approximately $4.8 million in a trust account, notwithstanding the request of the Ontario Minister of Housing under amended Regulation 641 of the Housing Development Act, that the City of Hamilton return, by March 1, 1995, the balance of the Ontario Home Renewal Program Trust Fund, and;

2. That the Mayor be authorized and directed to send a letter to the Minister of Housing confirming the City's position, and;

3. That the City Treasurer be authorized and directed, to re-invest, on 1995 March 1, the O.H.R.P. Trust Fund balance in short-term securities.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City's Legal Staff will provide a verbal report on any legal implications at the Planning and Development Committee meeting.

.../2

BACKGROUND:

At its meeting of 1993 June, Planning and Development Committee was provided with a staff report on the discontinuance of the Ontario Home Renewal Program (O.H.R.P.) and a request by the Province for the return of the O.H.R.P. Trust Fund balance. Planning and Development Committee recommended to Council at its meeting of 1993 June 29 and Council resolved as follows:

> That representatives of City Council, the Planning and Development Committee, and City Staff arrange a meeting with the Minister of Housing to discuss the financing of housing rehabilitation programs for funds accumulated under the Ontario Home Renewal Program Trust Account.

Since that time, the Building Department has formulated a program to revitalize Barton Street which program was approved by Council at its meeting of 1994 January.

Negotiations with the Province have been on-going. On 1994 March 2 the Premier of Ontario announced a five million dollar fund for the revitalization of Barton Street. In addition, the Premier announced an additional five million dollars for the development of "cultural industries".

It has become clear to staff that the Province is not supporting the City's Barton Street Revitalization Program, preferring to focus on stimulating and funding cultural enterprises. A concrete strategy on how the Province intends to fund their program has yet to emerge. Negotiations are still under way.

In the meantime, the O.H.R.P. Trust Fund investment matures 1995 March 1. Under amendments to regulations of the Housing Development Act, the Province is requiring the return of the Fund by 1995 March 1.

The current position of Council is that the Fund not be returned. A reversal of this position is not recommended at this time as continued pressure on the Provincial Government to flow-through the Barton Street Revitalization fund promised by the Premier is necessary.

The unaudited Fund balance currently stands at approximately $4.8 million.

LCK/MM/dc

c.c. Finance and Administration Committee
Patrice Noé Johnson, Law Department
Allan Ross, Treasury Department

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 20
C. A. Unelli, S705-17

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: **Lot Grading, Eleanor Gardens - Phase 5, Addition**

RECOMMENDATION:

That the City of Hamilton accept the lot grading of Lots 1 to 8 inclusive, Eleanor Gardens - Phase 5, Addition, Plan No. 62M-435 and that the subdivider, Amerigo and Anna Cocco, be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Eleanor Gardens - Phase 5, Addition, with respect to the lot grading of Lots 1 to 8 inclusive.

E. M. Gill, P. Eng.
Senior Director, Roads Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Eleanor Gardens - Phase 5, Addition is located south of Stone Church Road East and west of Upper Gage Avenue in the Eleanor Neighbourhood. The plan of subdivision was registered on November 8, 1985 as Plan No. 62M-435. The subdivision was developed by Amerigo and Anna Cocco.

cont'd...

Lot Grading, Eleanor Gardens - Phase 5, Addition

cont'd...

Under Section VIII of the City Subdivision Agreement, the subdivider was responsible for grading the lots in accordance with the approved grading plan and issuance of grading certificates to the City.

The grading on the lots in the development varied from that of the approved grading plan and therefore could not be certified. The City requested the subdivider to obtain letters from the affected owners which requested them to confirm that the established grading was satisfactory to them. The subdivider's engineer, A. J. Clarke and Associates, hand delivered letters to each of the owners of Lots 1 to 8 inclusive on November 19, 1993 (copies attached).

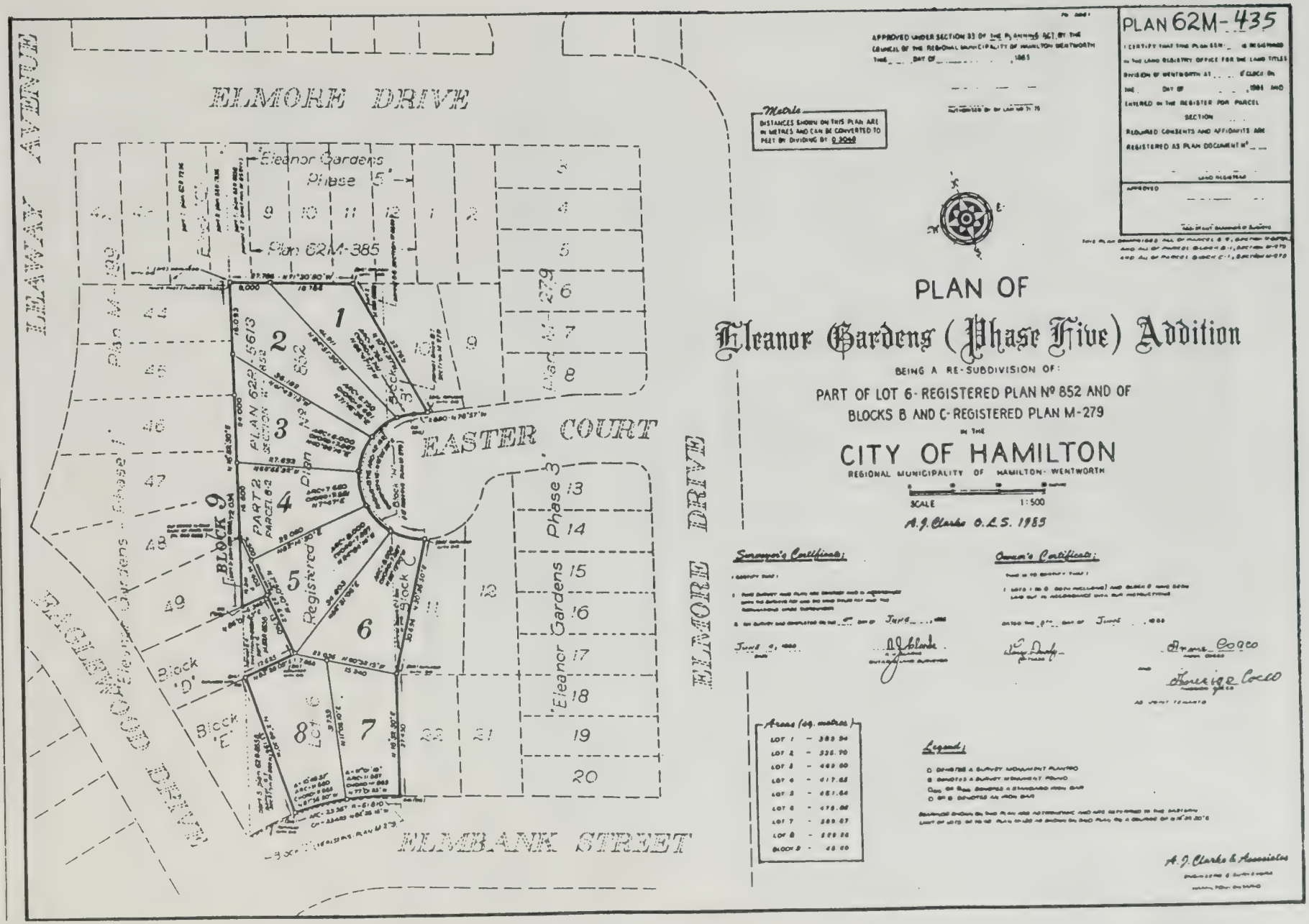
Of the eight letters sent by A. J. Clarke and Associates, only one response was received, that being a verbal response from the then owner of Lot 3, Mr. W. Shipton. Mr. Shipton expressed concern with a ponding problem along the rear lot line of his property.

Lot 3 susequently changed ownership and the City sent a registered letter (copy attached) dated November 23, 1994 to the current owners, Gordon and Sandra Sanderson. We requested that they express any concerns related to the grading of their property to us no later than January 1, 1995. To date we have not received a response from them and must assume that the ponding problem previously reported to A. J. Clarke and Associates has either been attended to by the current owners or the problem was negligible and not enough of a concern to the Sandersons for them to respond to our registered letter.

In this regard we are recommending that the City of Hamilton accept the lot grading of Lots 1 to 8 inclusive, Eleanor Gardens - Phase 5, Addition, Plan No. 62M-435 and that the subdivider, Amerigo and Anna Cocco, be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Eleanor Gardens - Phase 5 Addition, with respect to the lot grading of Lots 1 to 8 inclusive.

CAU
attach.

cc: P. Noe Johnson, Law Department
Att: A. Zuidema


ELMORE DRIVE
ELMORE DRIVE
EASTER COURT
ELMBANK STREET
ELMBANK AVENUE
Eleanor Gardens Phase 5
Plan 62M-385
Eleanor Gardens Phase 3
Plan M-279
Plan 62M-435
PLAN OF
Eleanor Gardens (Phase Five) Addition
BEING A RE-SUBDIVISION OF
PART OF LOT 6 - REGISTERED PLAN Nº 852 AND OF
BLOCKS B AND C - REGISTERED PLAN M-279
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
A.J. Clarke O.L.S. 1985
Surveyor's Certificate:
Owner's Certificate:
Areas (sq. metres)
LOT 1 - 383.94
LOT 2 - 336.70
LOT 3 - 460.80
LOT 4 - 417.85
LOT 5 - 481.64
LOT 6 - 476.86
LOT 7 - 389.87
LOT 8 - 399.96
BLOCK B - 45.00
Legend:
A. J. Clarke & Associates

A. J. Clarke and Associates Ltd.

ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A. J. CLARKE, O.L.S.
B. J. CLARKE, B.Sc., O.L.S.
G. G. ALDWORTH, B.Sc., O.L.S.

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A. J. IRANI, M.S. (CIVIL) P.ENG.
CLAUDIO GIAMMARCO, P.ENG.

ROADS
File No. 5705-17
Letter No.
AUG 0 8 1994
Programming & Design Div.
Director:
Admin. Coor.
Jan 940808

August 5, 1994

Regional Municipality of Hamilton-Wentworth
Transportation/Environmental Services Section
Roads Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attn: Eugene Chajka, P.Eng.

Re: Eleanor Gardens Phase 5 Addition, Hamilton

Dear Sir:

Further to your letter dated July 27, 1994 and my previous conversation with your Charlie Unelli, please find enclosed a copy of the letters that were hand-delivered to all the owners of the lots in the above-noted project, in November 1993. A copy of our report to Mr. Marshall, dated Jan. 10, 1994 is also enclosed for your reference.

No further action has taken place on this file since then. We would appreciate any suggestions you could make in this regard.

If you require additional information or clarification, please do not hesitate to contact this office.

Yours very truly,

Adi Irani, P.Eng.
A. J. Clarke & Associates Ltd.

Encl.
AJI/wp

copy: - Mr. Anthony Marshall

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A. J. CLARKE, O.L.S.
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G. G. ALDWORTH, B.Sc., O.L.S.

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A. J. IRANI, M.S. (CIVIL) PENG
CLAUDIO GIAMMARCO, PENG

Jan. 10, 1994

P. Anthony Marshall
Barrister & Solicitor
68 Charlton Ave. West - 2nd Floor
Hamilton, Ontario
L8P 2C1

FILE COPY

Re: Eleanor Gardens (Phase 5) Addition
Lots 1 to 8 Inclusive
Plan 62M-435 - City of Hamilton
(Anna Cocco and Amerigo Cocco

Dear Sir:

This letter is being sent to inform you that on November 19, 1993 we had hand delivered letters to the homeowners of Lots 1 to 8 inclusive in the above-noted subdivision requesting they sign a letter (sample enclosed) stating that they are satisfied with the lot grading of their respective lots. In addition, if they were not satisfied they should contact this office with any problems with regard to lot grading.

To date, we have received only (1) phone call from Mr. Wayne Shipton of Lot 3 who has expressed his concerns with a ponding problem along the rear lot line of his property.

We will try to contact the remaining homeowners again to have them sign the acceptance letter or pass on any complaints they may have.

I trust you will find this satisfactory for your purpose. If you have any questions please do not hesitate to contact this office.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW
ElnrGd5A.LG

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A. J. CLARKE, O.L.S.
B. J. CLARKE, B.Sc., O.L.S.
G. G. ALDWORTH, B.Sc., O.L.S.

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A. J. IRANI, M.S. (CIVIL) P.ENG.
CLAUDIO GIAMMARCO, P.ENG.

William Michael Midwinter
Debra Ann Midwinter
16 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 1 - Eleanor Gardens (Phase 5) Addition
16 Easter Court - Plan 62M-435 - City of Hamilton

Dear Mr. & Mrs. Midwinter

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: William Michael Midwinter

_____ _____

Date: Debra Ann Midwinter

A.J. Clarke and Associates Ltd.

ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE, BSc OLS
G G ALDWORTH BSc OLS

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A J. IRANI, M.S. (CIVIL) PENG
CLAUDIO GIAMMARCO, PENG

Michael Anthony Ciaramella
Patricia Lynn Ciaramella
20 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 2 - Eleanor Gardens (Phase 5) Addition
20 Easter Court - Plan 62M-435 - City of Hamilton

Dear Mr. & Mrs. Ciaramella:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Michael Anthony Ciaramella

_____ _____

Date: Patricia Lynn Ciaramella

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE, BSc, OLS
G G ALDWORTH, BSc, OLS

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2269

A J IRANI, M S (CIVIL) PENG
CLAUDIO GIAMMARCO, PENG

Kathleen June Shipton
Wayne Edward Shipton
24 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 3 - Eleanor Gardens (Phase 5) Addition
24 Easter Court - Plan 62M-435 - City of Hamilton

Dear Mr. & Mrs. Shipton:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Kathleen June Shipton

_____ _____

Date: Wayne Edward Shipton

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE, BSc OLS
G G ALDWORTH BSc OLS

TELEPHONE (905) 526-8761
TELEFAX (905) 528-2289

A J IRANI, M S (CIVIL) PENG
CLAUDIO GIAMMARCO, PENG

Fionan Douglas Lowden
23 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 4 - Eleanor Gardens (Phase 5) Addition
23 Easter Court - Plan 62M-435 - City of Hamilton

Dear Mr. Lowden:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Fionan Douglas Lowden

_____ _____

Date:

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE, BSc OLS
G G ALDWORTH BSc OLS

TELEPHONE (905) 528-8761
TELEFAX (905) 528 2289

A J IRANI, MS (CIVIL) PENG
CLAUDIO GIAMMARCO PENG

Kazimierz Similski
Krystyna Similski
19 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 5 - Eleanor Gardens (Phase 5) Addition
19 Easter Court - Plan 62M-435 - City of Hamilton

Dear Mr. and Mrs. Similski:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Kazimierz Similski

_____ _____

Date: Krystyna Similski

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE BSc. OLS
G G ALDWORTH BSc OLS

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A J IRANI, M S (CIVIL) PENG
CLAUDIO GIAMMARCO, PENG

Ms. Joan Kelly
15 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 6 - Eleanor Gardens (Phase 5) Addition
15 Easter Court- Plan 62M-435 - City of Hamilton

Dear Ms. Kelly:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____
Date:

_____
Joan Kelly

A.J. Clarke and Associates Ltd.

ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE, BSc OLS
G G ALDWORTH BSc OLS

TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A J IRANI, M.S. (CIVIL) P.ENG
CLAUDIO GIAMMARCO, P.ENG

Wayne Arthur Kew
Annette Judith Kew
15 Elmbank Street
Hamilton, Ontario
L8W 2B6

Nov. 19, 1993

Re: Lot 7 - Eleanor Gardens (Phase 5) Addition
15 Elmbank Street- Plan 62M-435 - City of Hamilton

Dear Mr. and Mrs. Kew:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Wayne Arthur Kew

_____ _____

Date: Annette Judith Kew

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
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TELEPHONE (905) 528-8761
TELEFAX (905) 528-2289

A J IRANI M S (CIVIL) PENG
CLAUDIO GIAMMARCO PENG

Shane Spence
Carmen Spence
11 Elmbank Street
Hamilton, Ontario
L8W 2B6

Nov. 19, 1993

Re: Lot 8 - Eleanor Gardens (Phase 5) Addition
11 Elmbank Street- Plan 62M-435 - City of Hamilton

Dear Mr. and Mrs. Spence:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Shane Spence

_____ _____

Date: Carmen Spence

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Transportation / Environmental Services Group

Roads Department
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (905)546-4170
Fax (905)546-2870

REGISTERED MAIL

File No.: S705-17
Att: C. A. Unelli

November 23, 1994

Gordon Sanderson
Sandra Sanderson
24 Easter Court
Hamilton, Ontario
L8W 2A9

Lot 3, Eleanor Gardens - Phase 5 Addition
24 Easter Court - Plan 62M-435, Hamilton

Dear Mr. and Mrs. Sanderson:

Attached for your information is a copy of a letter dated November 19, 1993 which was sent to the previous owners of your property. The letter is with respect to the grading of the property and was sent to the previous owners by the subdivider's consulting engineers.

Before our Departmental approval is given to accept the grading of your property, we are requesting that you contact Mr. C. Unelli in writing if you have any concerns with respect to the grading of your lot.

If we do not receive a written response from you by January 1, 1995, we will assume that you are satisfied with the grading of your lot.

Eugene P. Chajka, P. Eng.
Manager of Development

CAU
attach.

cc: Mr. A. Zuidema, Law Department
cc: Mr. A. Irani, A. J. Clarke and Associates

A.J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A J CLARKE OLS
B J CLARKE, BSc, OLS
G G ALDWORTH BSc OLS

TELEPHONE (905) 525 8761
TELEFAX (905) 528-2263

A J IRANI M.S. (CIVIL) PENG
CLAUDIO GIAMMARCO, PENG

Kathleen June Shipton
Wayne Edward Shipton
24 Easter Court
Hamilton, Ontario
L8W 2A9

Nov. 19, 1993

Re: Lot 3 - Eleanor Gardens (Phase 5) Addition
24 Easter Court - Plan 62M-435 - City of Hamilton

Dear Mr. & Mrs. Shipton:

For the purposes of this letter, we are writing to you as the developer of this subdivision rather than the builder of your actual home.

The grading of the grounds of your property and the neighbouring properties was carried out by our company or our agent as the developers of the subdivision.

The grade levels were provided complimentary to the homes as built. This resulted in a variation from the pre-construction lot grading plans approved by the City.

The City has requested that we contact the homeowner(s) to confirm that the established grading is satisfactory to you. If so, would you kindly sign and date a copy of this letter and return same to us in the self-addressed return envelope.

If you have any inquiries, you may phone us at 528-8761.

Yours very truly,

K.W. Beitz
A.J. Clarke & Associates Ltd.

KWB:PW

_____ _____

Date: Kathleen June Shipton

_____ _____

Date: Wayne Edward Shipton

MAIL POSTE

Canada Post Corporation / Société canadienne des postes

C 5

To be filled in by the Office of Origin	À remplir par le bureau d'origine
Office of Posting	Bureau de dépôt
Item N° d'envoi	Date of Posting Date de dépôt

AR

Dec. 5/94

On Postal Service / Service des postes

R.N.0.5.5.6.9.4.7.8.3

To be filled in Please Print

RETURN TO: RETOURNER À:

Name

St and N

City

CAN

de R.R.

Gordon & Sandra Sanderson
24 Easter Court, Hamilton,
Ontario L8W 2A9

RETURN TO: RETOURNER À:
Region of Hamilton-Wentworth
Roads Department
71 Main Street West
Hamilton, Ontario L8N 3T4
(5705-17 C.U.)

Postal Code

ACKNOWLEDGEMENT OF RECEIPT OF A REGISTERED ITEM

AVIS DE RÉCEPTION D'UN ENVOI RECOMMANDÉ

To be filled in by Sender	À remplir par l'expéditeur
Name of addressee	Nom du destinataire
Street and No., Apt. No., P.O. Box or R.R. No.	N° et rue, n° d'app., n° de C.P. ou de R.R.
City Ville	Province Country Pays Postal CODE postal

To be completed at destination
As a matter of priority this advice must be signed by the addressee or, if this is not possible, by another person authorized to do so under the regulations of the country of destination, or, if these regulations so provide, by the official of the office of destination and returned by the first mail direct to the sender.

À compléter à destination
Cet avis doit être signé en priorité par le destinataire et, si cela n'est pas possible, par une autre personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le prévoient, par l'agent du bureau de destination et renvoyé par le premier courrier directement à l'expéditeur.

Date Stamp of Office of Delivery

Timbre à date du bureau de destination

07737

1994-12-03

HAMILTON ON

The registered item referred to was delivered on: / L'item recommandé décrit a été livré le: DEC 3 19 94

Signature of Official at Office of Delivery / Signature de l'agent du bureau de destination

Signature of Addressee or Authorized Representative / Signature du destinataire ou de son représentant

33-086-230 (90-07)

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 30

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Susan K. Reeder, Secretary
Task Force to Review the Sub-Committee Structure

SUBJECT: Recommendations - Sub-Committees reporting to the Planning and Development Committee

RECOMMENDATION:

That the following recommendations respecting the Sub-Committees which report to the Planning and Development Committee be approved:

(a) Urban Design Committee

(i) That the Urban Design Committee be disbanded; and,

(ii) That a new Committee, entitled "Citizens Planning Advisory Committee", be established to provide citizens with the opportunity to have input on planning studies. The membership would be broad based with representatives from various stakeholders in the community as well as citizens at large.

Note: The intent of this restructuring is to provide for improved citizen participation by having one Citizens Policy Planning Committee, which would be better able to respond to City wide issues.

The above recommendation also applies to C.A.P.I.C. and the GO Transit Advisory Committee.

(b) Central Area Plan Implementation Committee (C.A.P.I.C.)

(i) That the Central Area Plan Implementation Committee be disbanded; and,

(ii) That a new Committee, entitled "Citizens Planning Advisory Committee", be established to provide citizens with the opportunity to have input on planning studies. The membership would be broad based with representatives from various stakeholders in the community as well as citizens at large.

Note: The intent of this restructuring is to provide for improved citizen participation by having one Citzens Policy Planning Committee, which would be better able to respond to City wide issues.

The above recommendation also applies to the Urban Design Committee and the GO Transit Advisory Committee.

(c) Business Land Use Advisory Board

That the Business Land Use Advisory Board be disbanded

(d) Downtown Action Plan Co-Ordinating Committee

That the Downtown Action Plan Co-Ordinating Committee continue as a Sub-Committee of the Planning and Development Committee

(e) Local Architectural Conservation Advisory Committee (L.A.C.A.C.)

(i) That the Local Architectural Conservation Advisory Committee continue as a Sub-Committee of the Planning and Development Committee; and,

(ii) That L.A.C.A.C. and the Planning and Development Department staff, review the mandate, name and staff support of its Research Sub-Sub Committee.

(f) Central/Beasley Neighbourhood Plan Review Team

That the Central/Beasley Neighbourhood Plan Review Team be considered a Task-oriented group, and that the following guidelines be applied:

(i) Members are appointed per Council approved process

(ii) The terms of reference clearly define the task

(iii) The terms of reference, and appointment of members, clearly define the completion date and disbanding date

(iv) Notes, not minutes, are taken at the meetings. The notes will reflect the conclusions reach during the discussion of each Agenda item

(v) In accordance with Council policy, members will receive a Certificate of Appreciation at the conclusion of the task.

Note: These same guidelines will apply to all future Task-oriented groups.

(g) Durand Neighbourhood Plan Implementation Committee

That the Durand Neighbourhood Plan Implementation Committee be disbanded as a Sub-Committee of the Planning and Development Committee

Note: The Committee has completed and fulfilled its mandate. It is now functioning well on its own in dealing with neighbourhood planning issues and services in the Neighbourhood.

(h) Beach Neighbourhood Plan Implementation Committee

(i) That the Beach Neighbourhood Plan Implementation Committee be considered a Task-oriented group; and,

(ii) That the Committee meet twice yearly and that the Beach Preservation Committee work with the Implementation Committee outside of the Committee meetings.

(i) Kirkendall/Chedoke Neighbourhood Plan Implementation Committee

That the Kirkendall/Chedoke Neighbourhood Plan Implementation Committee be disbanded

(j) Ferguson Avenue Redevelopment Team

That upon completion of the Ferguson Avenue Master Plan, the Ferguson Avenue Redevelopment Team be disbanded

(k) CN Station Citizens Advisory Committee

That the CN Station Citizens Advisory Committee be considered as a Task-oriented Committee

(l) Central/Beasley PRIDE H.INT. Citizens Advisory Committee

That upon completion of the Programme, the Central/Beasley PRIDE H.INT. Citizens Advisory Committee be disbanded

(m) GO Transit Advisory Committee

(i) That the GO Transit Advisory Committee be disbanded; and,

(ii) That a new Committee, entitled "Citizens Planning Advisory Committee", be established to provide citizens with the opportunity to have input on planning studies. The membership would be broad based with representatives from various stakeholders in the community as well as citizens at large.

Note: The intent of this restructuring is to provide for improved citizen participation by having one Citizens Policy Planning Committee, which would be better able to respond to City wide issues.

The above recommendation also applies to the Urban Design Committee and C.A.P.I.C.

Susan K. Reeder

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Changes to the Sub-Committee structure, as referenced above, will realize significant savings in the area of staff resources and meeting expenses.

BACKGROUND:

City Council, at its meeting held 1993 September 28th, approved the formation of a Task Force to Review the Sub-Committees. The creation of this Review arose as a result of an Internal Audit on the costs of staff resources and meeting expenses incurred by the Sub-Committees.

The Task Force consisted of the Chairpersons and Vice-Chairpersons of the four Standing Committees of City Council.

The Chairpersons and Vice-Chairpersons of each Standing Committee met with the applicable staff involved in providing resources to the Sub-Committees. From those meetings, recommendations were formulated, and brought back to the Task Force for discussion.

The Task Force, at its meeting held 1995 January 24th, have approved the above-noted recommendations with respect to the Sub-Committees of the Planning and Development Committee.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 February 8th
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee for its meeting held 1995 January 25.

B. **DIRECTOR OF PROPERTY**

(i) Release of Building Covenants, City Sale to Dan Slavich
2673 Barton Street East, Hamilton, Lot 1 and Part of Lot 5, Plan 1397 Grayside Industrial Estate No. 2, Construction Covenants as Contained in City Deed 198885 A.B.

(ii) Hamilton Rail Station, Commuter Parking - Go Transit, Strachan Street East - Lease Renewal

C. **BUILDING COMMISSIONER**

(i) Demolition of 158 Rymal Road West

(ii) Demolition of 382 Sherman Avenue North

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 January 25
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present:

Alderman Don Drury, Chairperson
Alderman Frank D'Amico, Vice-Chairperson
Mayor Robert Morrow
Alderman Marvin Caplan
Alderman Geraldine Copps
Alderman Bob Charters
Alderman Fred Eisenberger
Alderman William McCulloch
Alderman Henry Merling

Also present:

Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Willie Wong, Building Department
Eugene Chajka, Transportation/Environmental Services
Nik Adhya, Treasury Department
Peter Lampman, Building Department
Hazel Milsome, Public Works Department
Nina Chapple, Planning Department
Stella Glover, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 94-31, The Regional Municipality of Hamilton-Wentworth, owner, for a modification to the established "AA" District, for lands located at 680 Van Wagner's Beach Road.**

The Committee was in receipt of a report dated 1995 January 17 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Paul Mallard, Planning Department made a presentation respecting the proposed zoning application and confirmed that members of the public had been so advised.

The Committee was in receipt of written submissions from John Peircy and Joan Baker and Andrew Robert Wilgosh, all of 6 Lake Pointe Place, in opposition to the proposed change.

After discussion, the Committee approved the following:

That approval be given to Zoning Application 94-31, The Regional Municipality of Hamilton-Wentworth, owner, requesting a modification to the established "AA" (Agricultural) District regulations, to permit a penny arcade with a maximum of 30 machines, for property located at 680 Van Wagner's Beach Road, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 7A.(1)(c) of Zoning By-law No. 6593, a penny arcade with a maximum of 30 machines shall be permitted accessory to the public use of a theme park; and,

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1338, and that the subject lands on Zoning District Maps E-121 and E-122 be notated S-1338; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Maps E-121 & E-122 for presentation to City Council; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Alderman Geraldine Copps was recorded as opposed to this recommendation.

2. **Zoning Application 94-27, Gerald Coleman and Robert Coleman, owners, for a change in zoning from "C" District to "HH" District, modified, for lands located at 71 Rymal Road West; Kennedy East Neighbourhood.**

The Committee was in receipt of a report dated 1995 January 17 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The applicant Mr. Gerald Coleman attended together with his agent.

Paul Mallard, Planning Department made a presentation respecting the proposed request for a change in zoning and advised that 57 notices were sent out, 2 were received in favour and 5 were received opposed. He stated that this matter had been tabled from the previous meeting and that meetings had subsequently been held with the applicant and representatives of the Road and Traffic Department.

After discussion, the Committee approved the following:

That approval be given to amended Zoning Application ZAC-94-27, Gerald Coleman and Robert Coleman, owners, requesting a modification in zoning to the established "C" (Urban Protected Residential, etc.) District to permit the use of the subject land for a photographer's studio and one residential unit, for property located at 71 Rymal Road West, as shown on the attached map marked as Appendix "B", on the following basis:

A. That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(a) That notwithstanding the provisions of Section 9(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

(i) a photographer's studio; and,

(ii) one residential dwelling unit in the same building as the photographer's studio; and,

(b) That a landscaped planting strip having a minimum width of 3.0 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly property line; and,

(c) That a landscaped planting strip having a minimum width of 1.2 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line where it adjoins a residential district, except that no visual barrier shall be situated closer than 3.0 m in distance from the front lot line; and,

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1337, and that the subject lands on Zoning District Map W-9E be notated S-1337; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the subject lands to Schedule "A".

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

3. **James South Stone Terrace, 142-160 James Street - Designation**

The Committee was in receipt of a report dated 1995 January 6 from the Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the 9 units of the James South Stone Terrace at 142, 144, 146, 148, 150, 152, 154, 156 and 160 James Street South as properties of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached herewith and marked Appendix "C"; and,

(b) That the City Solicitor be authorized as directed to take appropriate action to have these properties designated pursuant to the provisions of the Ontario Heritage Act, 1989.

AD HOC COMMITTEE - DELETION OF DOWNTOWN PARKING LOTS

4. **Deletion of "Public Parking Lots" in the Downtown Area (and in all CR Districts)**

The Committee was in receipt of a report dated 1995 January 5 from the Chairperson of the Ad Hoc Committee - Deletion of Downtown Parking Lots respecting the above-noted matter.

Alderman McCulloch addressed this report.

The Committee received the report for information and agreed not to take further action at this time.

CASH-IN-LIEU OF PARKING COMMITTEE

5. **Cash-in-Lieu of Parking - 1004-1006 King Street West (95.2.4.2.1.A)**

The Committee was in receipt of a report dated 1995 January 16 from the Chairperson of the Cash-in-lieu of Parking Committee respecting the above-noted matter.

Doug Anderson and Sergio Manche, on behalf John Flynn, spoke in opposition to the recommendation to deny.

Peter Lampman, Building Department addressed the technical requirements of the matter and the concern that the premises not be used in the future as a bar.

After discussion, the Committee approved the following:

(a) That in accordance with the Cash-in-Lieu Policy that John Flynn of Sonke Holdings, be required to pay to the City of Hamilton the sum of $22,500. which is 50% of the cost of providing six parking spaces for the property at 1004-1006 King Street West at a cost of $45,000.

(b) That the City Solicitor be directed to prepare the Cash-in-Lieu Agreement as required.

Alderman Caplan and Alderman Copps were recorded as opposed to this decision.

DIRECTOR OF PUBLIC WORKS

6. **Public Works Department, Community Renewal, Parks Division, 1995-2004 Provisional Capital Budget**

The Committee was in receipt of a report dated 1995 January 16 from the Director of Public Works respecting the above-noted matter.

After discussion, the Committee approved the following:

(a) That the capital projects from the Public Works Department, Community Renewal, Parks Division, be considered for inclusion in the ten year 1995-2004 Provisional Capital Budget; and,

(b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council).

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

7. **Official Plan Review - Terms of Reference (OP-5YR(C)**

The Committee was in receipt of a report dated 1995 January 17 from the Commissioner of Planning and Development and the director of Local Planning respecting the above-noted matter.

Joanne Hickey-Evans made a presentation on the Official Plan Review.

After discussion, the Committee approved the following:

(a) That the Terms of Reference for the Official Plan Review, attached as Appendix "D", including the funding and additional staffing requirements, be approved.

(b) That the Treasurer be directed to consolidate the following Capital Projects accounts with all the revenues and expenditures being transferred to a new consolidated Capital account titled "Special Planning Projects":

(i)	CF 548741001	Municipal Housing Statement Update
(ii)	CF 548841002	Housing Intensification Study
(iii)	CF 548953001	Niagara Escarpment Plan Implementation
(iv)	CF 548953002	Building Profile Program
(v)	CF 549055005	Statement of Land Use Planning - Housing Competition

8. **1995 Work Program - Local Planning Branch of the Planning and Development Department**

The Committee was in receipt of a report dated 1995 January 16 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Victor Abraham, Director of Local Planning made a presentation on the 1995 Work Program.

After discussion, the Committee approved the following:

That the Planning and Development Committee endorse the 1995 Work Program of the Local Planning Branch of the Planning and Development Department.

9. **Planning and Development Department - 1995-2004 Provisional Capital Budget**

The Committee was in receipt of a report dated 1995 January 18 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

After discussion, the Committee approved the following:

(a) That the capital projects from the Planning and Development Department be considered for inclusion in the ten year 1995-2004 Provisional Capital Budget, and

(b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

BUILDING COMMISSIONER

10. Building Department - 1995-2004 Provisional Capital Budget

The Committee was in receipt of a report dated 1995 January 17 from the Building Commissioner respecting the above-noted matter.

After discussion, the Committee approved the following:

(a) That the capital projects from the Building Department be considered for inclusion in the ten year 1995-2004 Provisional Capital Budget; and,

(b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

CORRESPONDENCE

11. **May, Pirie, Dakin & Associates - Chedoke Health Corporation - OPA**

The Committee was in receipt of correspondence dated 1994 December 15 from May, Pirie, Dakin & Associates Limited, Land Use Planning Consultants respecting the above-noted matter.

The Committee was also in receipt of an information report dated 1995 January 19 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

After discussion, the Committee received the correspondence and information report for information.

12. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the Minutes of the Planning and Development Committee for its meetings held 1995 January 4 and 1995 January 10. These Minutes were adopted as circulated.

B. DIRECTOR OF PUBLIC WORKS

(i) **Downtown Action Plan - Phase IV - Seventh Annual Business Development Seminar**

The Committee was in receipt of a report dated 1995 January 12 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

That $5,000. be provided for the Seventh Annual Business Development Seminar that is being held on 1995 October 25, from Phase IV of the Downtown Action Plan Account Number CF 5200-428803000.

(ii) **Downtown Action Plan - Phase IV - Seventh Public Service Announcement Competition**

The Committee was in receipt of a report dated 1995 January 11 from the Director of Public Works respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton's Public Works Department, in conjunction with the Keep Hamilton Clean Committee, hold the 7th Annual Public Service Announcement Competition through

Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of $3,000.

C. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1995 January 19 from the Secretary of the Planning and Development Committee respecting various information items which previously had been distributed to Committee Members.

The Committee approved the following:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(i) Submission dated 1995 January 2 from Jim Young re City Initiative 94-B - Review of Large Vehicles including Recreational Vehicles in Residential Zoning Districts

(ii) OMB Disposition of 1994 November 14 re Rezoning of 1605 Main Street East

(iii) OMB Notice of Information/Mediation Meeting to be held 1995 January 26 re establishment of a new Special Policy Area

(iv) OMB Decision dated 1995 January 6 re Price Club Canada Inc.

(v) Information Report dated 1994 December 29 from the City Solicitor re Environmental Appeal Board Hearing

(vi) Information Report dated 1995 January 4 from the City Solicitor re City of Hamilton Act - Heritage Demolition - Special Legislation

(vii) Information Report dated 1994 December 19 from the Commissioner of Planning and Development and the Director of Local Planning re Approved Site Plan Control Applications

(viii) Information Report dated 1995 January 16 from the Commissioner of Planning and Development and the Director of Local Planning re Approved Site Plan Control Applications

13. PRIVATE AND CONFIDENTIAL

The Committee adjourned in camera to discuss matters of a private and confidential nature.

The Committee reconvened in open session and approved the following:

(a) That the Information Report from the City Solicitor and Director of Local Planning dated 1995 January 23 respecting Ainslie Wood Neighbourhood be received for information.

(b) That the Report from the City Solicitor dated 1995 January 24 respecting 986-998 Upper Wentworth Street be received.

14. OTHER BUSINESS

Joanne Hickey-Evans, Planning Department advised of a forthcoming visit by the American Planners Association on 1995 April 11 which would include a tour of the City and luncheon.

15. ADJOURNMENT

There being no further business the meeting then adjourned.

Taken as read and approved,

Alderman Don Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary

/br
1995 January 25

B(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 25

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Release of Building Covenants
City Sale to Dan Slavich
2673 Barton Street East, Hamilton
Lot 1 and Part of Lot 5, Plan 1397
Grayside Industrial Estate No. 2
Construction Covenants as Contained in
City Deed 198885 A.B.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 2673 Barton Street East, Hamilton, from the construction covenants to the City as contained in City Deed 198885 A.B. registered on 1971 March 18.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 5 of the 4th Report of the Board of Control, City Council on 1971 Janaury 19 approved the sale of Lot 1 and Part of Lot 5, Grayside Industrial Estates No. 2, Registered Plan 1397 to Dan Slavich.

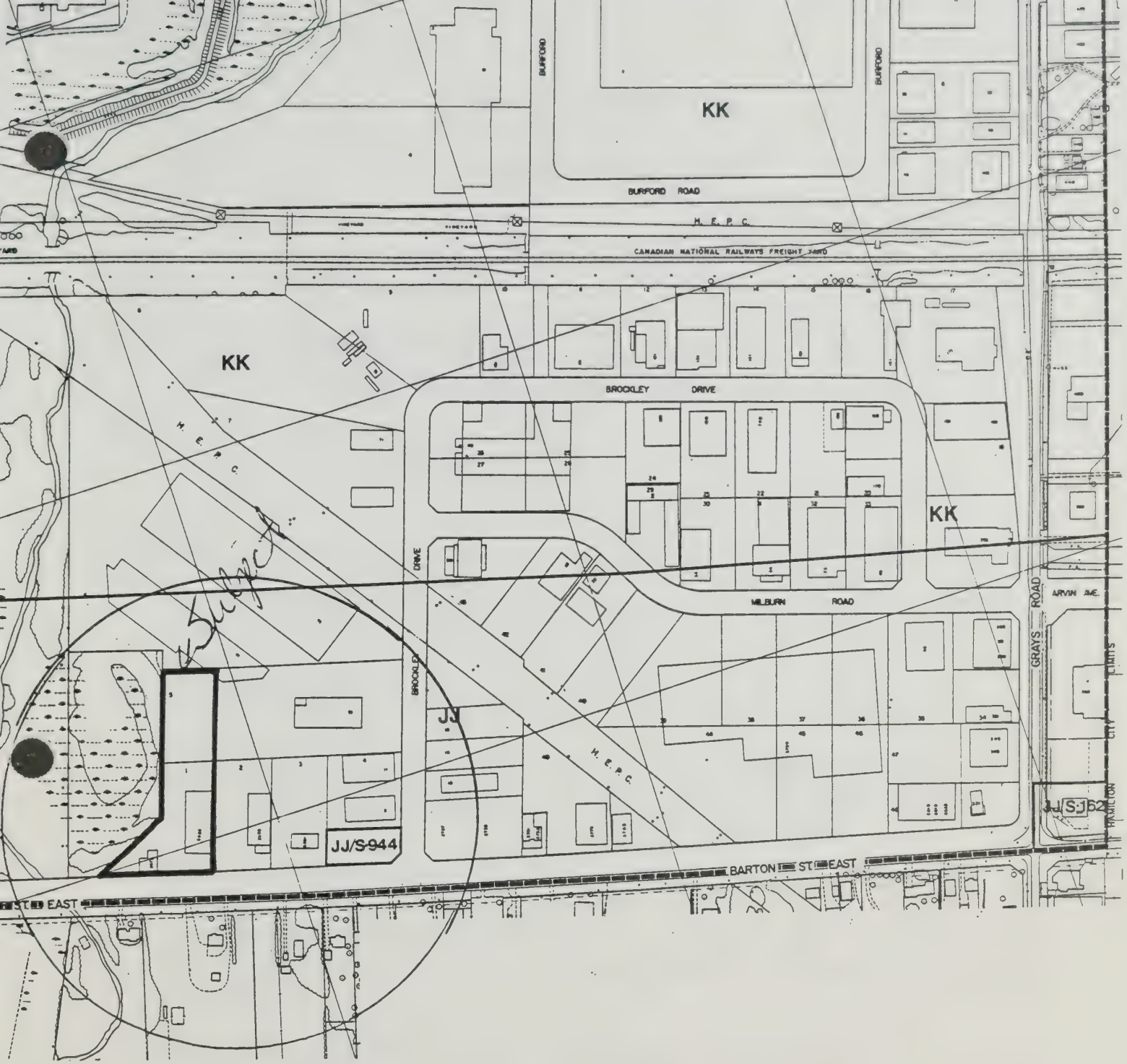
This transaction was completed on 1971 March 15, and registered under City Deed 198885 A.B. on 1971 March 18.

The requirements as noted in the construction covenants under City Deed 198885 A.B. have been met and this department supports the request of the owner that the City of Hamilton release the construction covenants contained in City Deed 198885 A.B. in order to clear the title.

DC/nw

c.c. P. Noé Johnson, City Solicitor, Law Department
Attention: D. Powers

(20.1.112)



28 28 / 94 54 / 115 114	CITY OF HAMILTON **GRAYSIDE** **ZONING**
This is not a Legal Document For Zoning Verification Please Contact City Building Department.	
Neighbourhood Boundary Zoning Boundary.	0 100m SCALE 50m NORTH
Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth	PLANNING UNIT NO. 6409 JUNE 1988 PAGE NO. 54

B (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 26

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Hamilton Rail Station
Commuter Parking - Go Transit
Strachan Street East - Lease Renewal

RECOMMENDATION:

a) That the City of Hamilton renew the lease with the Toronto Area Transit Operating Authority which expired on 1994 July 31, respecting the use of City owned land located on Strachan Street East and James Street North; and,

b) That the new term be for a period of two (2) years commencing 1994 August 1 and expiring 1996 July 31 at a rental rate of $11,129.58 per year plus realty taxes with monthly payments of $927.47 due on the first (1st) day of each month and proceeds be credited to Account No. CH 44104 31106 (Rental Civic Property - Civic Properties Rented); and,

c) That in the event the premises are not required for the Industrial Perimeter Road Project, consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree; and,

d) That the lease renewal be in a form satisfactory to the City Solicitor; and,

e) That the Mayor and City Clerk be authorized and directed to execute the renewal agreement.

D W Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

In adopting Item 4 of the 18th Report of the Planning and Development Committee, City Council on 1988 August 30 approved the lease of City land at Strachan Street East and James Street North to the Toronto Area Transit Authority (Go Transit).

Ongoing negotiations have taken place with Go Transit since July 1994 and as a result a new agreement was negotiated with a five (5%) percent increase, and we are prepared to recommend the lease terms be approved.

RJH/nw

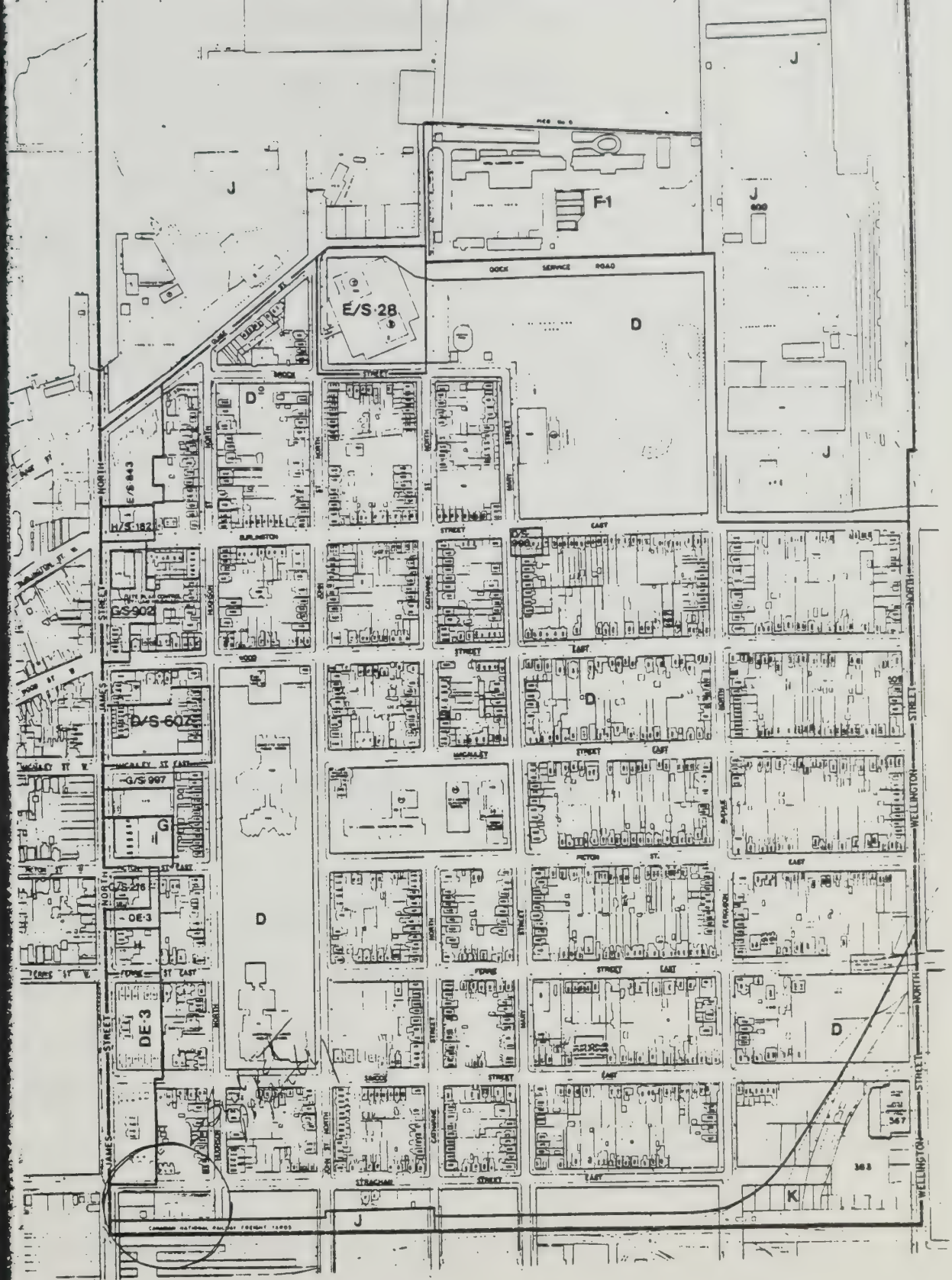
c.c. P. Noé Johnson, City Solicitor
Attention: D. Powers

Allan C. Ross, Treasurer
Attention: T. Daw

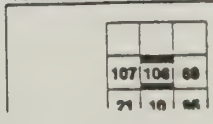
John van der Mark, Director, Predesign and Special Projects

P. G. Baker, General Manager, Hamilton Parking Authority

(60.3.17)



All Lands Within This Neighbourhood Is Subj
To Site Plan Control By-law No. 90-285.



CITY OF HAMILTON

- RECOMMENDATION -

C (i)

DATE: 1995 January 27

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
158 RYMAL ROAD WEST - Tag Number 93644
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 158 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Residential

BRIEF DESCRIPTION: 1½ storey brick and siding single family dwelling with attached garage. Owner wishes to demolish existing dwelling as land is required in new residential development. No LACAC interest. Lot size 3 acres.

The owner of the property as per the demolition permit is:

Demetre Dekaneas
158 Rymal Road West
Hamilton, Ontario

SH/zr

CITY OF HAMILTON

- RECOMMENDATION -

C (ii)

DATE: 1995 January 27

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
382 SHERMAN AVENUE NORTH - Tag Number 93604
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 382 Sherman Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	K (Map E-31)
PRESENT USE:	Commercial & Residential
PROPOSED USE:	Vacant
BRIEF DESCRIPTION:	2½ storey solid masonry building with commercial in ground floor and residential in remainder of building. Owner wishes to demolish existing commercial and residential building to provide vacant lot. No LACAC interest. Lot size 30' x 90.

The owner of the property as per the demolition permit is:

Mary Dececchi
43 Champlain Avenue
Hamilton, Ontario

SH/zr

D

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 February 2

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Local Architectural Conservation Advisory Committee Minutes - 1994 November 7 and December 5.

(b) Niagara Escarpment Commission re Removal of Lands Under Development Control - Albion Falls Neighbourhood.

(c) Information Report from the Commissioner of Planning and Development and the Director of Local Planning re Approved Site Plan Control Application.

(d) Information Report from the Commissioner of Planning and Development and the Director of Local Planning re APA/CIP Conference - April 8 to 12, 1995.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A Stella Glover

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

FEB 20 1995

GOVERNMENT DOCUMENTS

Wednesday, 1995 February 22nd
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

1. **COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING**

   (a) Albion Falls Modified Neighbourhood Plan Review (P5-25)

   (b) Site Plan Control Application DA-94-25, Buckingham York Limited, owner of lands known as 152 Catharine Street South

   (c) Authorization for Staff Attendance at an Ontario Municipal Board Hearing

2. **CORRESPONDENCE**

   (a) Letter of Credit - 1365 Limeridge Road East - DA-93-40

   (b) The John Calvin Hungarian Presbyterian Church - Proposed Street Renaming

3. **CONSENT AGENDA**

4. **OTHER BUSINESS**

5. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
5.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
6.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
7.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
8.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Report
9.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
10.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
11.	Billiard Halls - Review Planning Approach	1994 November 2	Planning	Planning to report back on planning approach and restrictions to billiard halls
12.	Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue	1994 December 7	Public Works and Traffic	Staff to report back on total costs for the reconstruction of the traffic islands

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
13.	CI94B - Review of large vehicles (including RV's) in Residential Zoning Districts	1995 January 4	Planning and Building	Tabled - Staff to review Option 2 of report, receive public input. Public meeting to be held in May. No action to be taken on list of complaints and zoning by-law 6593 not to be enforced re RV's until after resolution in May.

1995 February 16

1 (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 January 30
(P5-2-5)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Albion Falls Modified Neighbourhood Plan Review - Final Report

RECOMMENDATIONS:

1. That the attached report, as APPENDIX A, "Albion Falls Modified Neighbourhood Plan Review", be received;

2. That the existing "Open Space" designation in both the Official Plan and approved Albion Falls Neighbourhood Plan, for the Albion Falls Study Area, as shown on Attachment 1, be reconfirmed; and,

3. That the recommendation to utilize proceeds from the sale of lots in the City owned subdivision (north of Mud Street, west of the Stoney Creek boundary) for the purchase and conversion to open space of properties in the Albion Falls Acquisition Area (Attachment 1) be reconfirmed.

J. Thoms

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of purchasing the 17 properties in the acquisition area is estimated to be at least $2.8 million. However, the cost of this property acquisition will be largely offset by the sale of City owned lands (north of Mud Street, west of the Stoney Creek boundary) which is projected to be $2.4 million. The initial bridge financing of at least $400,000 required is included as part of the Capital Budget process.

BACKGROUND:

Purpose

Planning and Development Committee, at their meeting of August 24, 1994, directed the Planning and Development Department to carry out a Modified Neighbourhood Plan Review for a portion of the Albion Falls Neighbourhood. As directed, the Review was limited to the evaluation of two possible land use options for the study area:

i) retention of the existing open space designation; and,
ii) use of the lands for residential purposes, either by recognizing existing uses and/or allowing additional residential uses.

Location

The study area is located just south of Albion Falls and is bounded to the north by the Escarpment and to the south by the Expressway alignment (see Attachment 1). The study area contains 23 properties totalling 35.4 acres. There are 15 privately owned single family residential dwellings in the area along with other lands owned by the City, Region and Board of Education. The City currently owns approximately 18 acres or 50% of the site.

Planning

The study area is designated "Open Space" in the City of Hamilton Official Plan and Neighbourhood Plan. This designation was put in place in 1982 to provide a community open space and a logical extension of the Redhill Valley to the Conservation Authority open space to the southwest.

Most of the site is currently zoned "AA" (Agricultural) District with some properties in the southern portion of the site, including two properties currently used for residential purposes, zoned "M-13" (Prestige Industrial) District. The "M-13" (Prestige Industrial) zoning will have to be changed if and when the area is purchased by the City. If the area is to remain in an open space designation, then the "M-13" properties can be rezoned for "AA" (Agricultural) District, similar to the rest of the properties in the study area. If the area is to be utilized for residential purposes, then the properties can be appropriately rezoned. Traditionally, the City does not down zone properties.

As part of the Neighbourhood Plan, City Council passed a resolution to purchase the remaining residential properties in this area and convert them to open space, utilizing proceeds from the sale of lots in a City owned subdivision to the east of the study area, north of Mud Street.

Servicing

The study area is currently unserviced. Sewage disposal is through the use of septic tanks. Water, subsidized by the City, is trucked to the residential properties. Several residents in the area have requested to have their land serviced with municipal water and sanitary sewers.

Property Acquisition

While the City did purchase several residential properties in the study area in the late 1980's utilizing the Parkland Dedication Fund, sufficient monies are no longer available in this fund. The cost of purchasing the remaining privately owned properties is estimated to be at least $2,800,000. Revenues from the sale of 86 single family lots in the City owned subdivision north of Mud Street are estimated at approximately $2,400,000 and this is earmarked for purchase of properties in the study area. However, these revenues will not be available for three to four years, until the subdivision is developed. Therefore, the purchase of properties in the study area requires some form of bridge financing until revenues begin to flow from the City owned subdivision. Bridge financing is to be provided through the Capital Budget process.

Land Use Options

As directed, the attached report (Appendix A) develops and evaluates two land use options:

i) retention of the existing open space designation; or
ii) use of the lands for residential purposes.

For each of these two options, various sub-options were investigated. These range from the City purchasing all remaining residential properties and converting the entire area to open space, to a mix of open space and residential, to a fully serviced residential subdivision. In total eight options were examined. Three are strictly open space (1A-1C), two are a mix of open space and residential (1D, 1E), and three are strictly residential (2A-2C). The study area has also been identified as a potential location for the proposed Redhill Valley interpretive centre and/or Escarpment Restaurant, or it could be used for recreational purposes.

A cost-benefit analysis was prepared for each option to establish direct monetary costs and savings to the City. The advantages and disadvantages of each option from a land use and planning perspective were also evaluated. (See Table 1 in Appendix A).

Public Information Meeting

A public information meeting to obtain input on the land use options was held on November 24, 1994. Submission forms were available at the meeting. Only one submission form was received by the Planning and Development Department. Submission form(s) received and minutes of this meeting are attached as Attachment 2. Through the meeting and submission(s) received, area residents expressed the following concerns:

- There is a strong desire among area residents to resolve uncertainty regarding future land use and servicing of the area.

- Sanitary sewers and especially municipal water should have been extended to the residences in this area long ago. Nonetheless, these extensions should now take place.

- There is already an abundant supply of open space and park land in Ward 6 and more open space/park land is not required in this Ward.

- The willing buyer/willing seller basis of property acquisition is inappropriate and unfair to area residents, many of whom feel they will not be paid fair market value for their properties by the City under this system. Some residents indicated they would resist selling their properties to the City, and they would prefer expropriation to the willing buyer/willing seller system.

- Several residents did not want to see any residential development in the area and they questioned what the density of residential development would be, if it were to take place.

- Some residents wanted assurances that even if only one or two houses remained in the area, that current levels of municipal services, e.g., garbage collection and snow removal, would be maintained.

EVALUATION:

The eight options developed were evaluated based on their costs and benefits, advantages, disadvantages, and their ability to accomplish the planning goals for the area set out in the Official Plan. This evaluation reduced the eight options down to two viable land use options. One option (1A) proposes that the City purchase all the properties in the study area and convert the area to open space. The other option (2C) proposes designating the entire study area for residential use, servicing the area with municipal water, and sanitary and storm sewers, and permitting residential development of single-family lots. Based on the benefits and costs, advantages and disadvantages, Option 1A was the best of the open space options and 2C was the best of the residential use options. The other six options were eliminated from further consideration due to their present and potential future costs to the City and other disadvantages that outweighed any potential benefits of these options.

Option 1A (Open Space With No Municipal Water)

This option represents a reconfirmation of existing planning policies. It proposes that the City purchase all 17 properties in the study area that it does not currently own on a willing buyer-willing seller basis. The cost of acquiring these properties and converting them to open space is estimated to be at least $2,800,000. The intended funding source is the sale of lots in the nearby City owned subdivision. At the current market value, the sale of all 86 single family lots in this subdivision would yield net revenues of approximately $2,400,000. Therefore, there would be a shortfall of at least $400,000, that would have to be financed through the Capital Budget.

Because funds are not currently available in the Parkland Dedication Fund, purchase of the required properties in the next three to four years will require some form of bridge financing, i.e., through the Capital Budget process. It is important that funds be available immediately if owners wish to sell. When proceeds from the City owned subdivision become available in three to four years, they can be used to repay most of the bridge financing.

Advantages

This option is clearly the preferred option in terms of accomplishing the planning goals set out for the area. It allows for conversion of the area to open space, thereby providing:

i) a link between the Redhill Valley and open space to the west;
ii) an opportunity for pedestrian trails and active and passive recreation;
iii) buffering and protection of the Escarpment and Albion Falls from the effects of the Expressway and residential development;
iv) a possible location for a Redhill Valley interpretive centre and/or restaurant; and,
v) opportunities for other recreational uses/buildings.

The Provincial government has committed over $3,000,000 to the interpretive centre project, and it is possible that some of this money could be used for property acquisition. The City and the Hamilton Region Conservation Authority will be involved in the interpretive centre project and the site selection process is to begin shortly.

There is an intrinsic value to providing open space for neighbourhood and city residents that cannot be assigned a monetary value. This option also fully resolves the servicing issue. The watermain does not have to be extended, and as the properties are purchased, there will be a cost savings from eliminating the existing trucked water service.

Disadvantages

It is estimated that purchase of all the residential properties on a willing buyer-willing seller basis could take several years. Therefore, the full cost savings of $25,000 per annum from eliminating the trucked water service will not be realized for some time.

With the cost of this option estimated to be at least $2.8 million, the cost to the City is significant. While it may take several years to purchase all the required properties, water could continue to be trucked to residents until all the properties are purchased. If all residents are not willing to sell their properties to the City on a willing buyer-willing seller basis, which may be the case, as indicated during the public meeting, then expropriation will become necessary.

Option 2C (Residential Subdivision on Full Services)

This option represents full scale residential development in the area. The Official Plan and zoning by-law would have to be changed to permit residential development. Nonetheless, the Niagara Escarpment Commission (NEC) could object to a change in Official Plan designation and zoning, as part of the area is within the Niagara Escarpment Development Control Area. The NEC has also expressed a preference for the Open Space option (see NEC letter - Attachment 3).

Single family lots are appropriate in this area based on its location near the Escarpment and adjacent open space and single family residential uses. Based on a density of 6 single family lots per acre, the City could develop approximately 108 lots on its lands and another 32 single family lots could be developed on privately held lands for a total of approximately 140 single family lots. Based on a current average market value of $70,000 per lot, the sale of the City owned lots would provide gross revenue to the City of approximately $7,535,000.

To provide for this level of residential development, full urban services would be required. The 200 mm watermain must be looped to ensure security of water supply and fire flow capacity. This pushes the cost of supplying municipal water at approximately $470,000, exclusive of local improvement charges. Sanitary sewers must be installed at a cost of $822,000 to $1,280,000 depending on the route chosen. Storm sewers add $400,000 to the cost of servicing. The total cost to service this area, including the 108 lots that the City could develop, estimated at 60% of gross revenues, is approximately $4,520,000.

Advantages

When the costs of servicing ($4,520,000) and the raw value of the 18 acres of City owned land (estimated at $100,000 per acre) are subtracted from gross revenues of approximately $7,535,000, the City can expect to net between $750,000 and $1,200,000 from developing the land that it owns in this area.

Like Option 1A, this option fully resolves both the land use and servicing issues in this area. The future land use of the area would be established as low density residential. Existing residents would be provided with full urban services, but these residents will likely be required to pay a portion of these costs under the Local Improvement Act. The Region is responsible for the provision of water and sanitary sewers.

Disadvantages

This option has several major disadvantages. While the gross revenues to the City from the sale of over 100 lots are substantial, the actual net financial benefit could be less than $1,000,000, and this does not include the staff time and resources required to prepare and get approval for the subdivision. This subdivision would increase the demand for soft services such as policing, fire protection, recreation centres and schools and this represents an added cost to the City. The City would also have to obtain funding for the installation of services on land it owns while it is already in the process of developing an 86 lot subdivision just to the east.

The subdivision proposed in this option would be bounded by the Expressway to the south and it would actually be dissected by an Expressway overpass in the eastern quadrant. Buffering required for the Expressway could decrease the number of developable lots, and therefore net revenues. While some lots would have a scenic view to the north, the sale of lots in the interior and southern portion of the subdivision, representing most of the lots, could be difficult. This scale of residential development would necessitate leaving Mud Street and Mountain Brow Boulevard open to provide a second access point in addition to the Pritchard Road overpass.

Finally, and most importantly, a large residential subdivision in this location would permanently remove any possibility of utilizing this unencumbered property or part of the property for open space and linkage to the Valley, as was originally intended.

PREFERRED OPTION:

Options 1A (Open Space With No Municipal Water) and 2C (Residential Subdivision on Full Services) are the only two options that fully resolve both the planning and servicing issues surrounding the Albion Falls Area.

Area residents have expressed a desire for municipal water and sanitary sewers. Considering the extension of only municipal water, the Region's Health Department has advised that any options that propose extending municipal water to the residences in the study area could result in increased water usage and concomitant septic system failure (see memorandum from Health Department - Attachment 4). This has happened in other parts of the Region, particularly in areas with heavy clay soils, as is the case in Albion Falls. Any septic system failures on the existing properties would require remedial action on an individual owner basis. Septic system failure could then lead to requests from the residents for sanitary sewers. The cost of installing sanitary sewers is in the range of $1,000,000, and this could in turn result in pressure for full scale residential development in order to justify these costs. Therefore, extension of just municipal water to the existing residences is not recommended as a course of action.

The costs of installing both a municipal water line and sanitary sewers to serve the existing 15 residences would be in the order of $1,500,000. However, the installation of such full urban services would imply that the area is intended and planned for use as residential, and therefore, a change in Official Plan designation and zoning would be in order. The cost of installing full urban services can only be justified if the study area is actually used for residential land use at urban densities, i.e., Option 2C. At the public meeting, some residents indicated they would not want full urban services, if this meant additional residential development in the area.

Like Option 2C, the cost of Option 1A (at least $2,800,000) is also significant. Option 1A provides a key open space area for both neighbourhood and City residents. Ward 6 contains a good supply of City owned and private open space. But, after careful reconsideration of location, accessibility, costs of servicing, and surrounding open space uses, use of the Albion Falls Area for open space purposes is still the most valid planning goal for this area. Option 1A (Open Space With No Municipal Water) is the only option that clearly accomplishes the planning goals set out for this area in the Official Plan, and the Neighbourhood Plan, while maximizing advantages and minimizing disadvantages. Therefore, Option 1A is the recommended option.

Bridge financing for at least part of the total required purchase amount (at least $2,800,000) will have to come from the Capital Budget. Once proceeds from the sale of lots in the City owned subdivision to the east begin to accumulate, these proceeds should be used to pay down the bridge financing. There may still be some shortfall (estimated to be at least $400,000) between the cost of purchasing the required properties for open space and the proceeds from the City owned subdivision. The exact amount of this shortfall, if there is one, cannot be determined until all proceeds from the subdivision and costs for land purchases are known.

CONCLUSION:

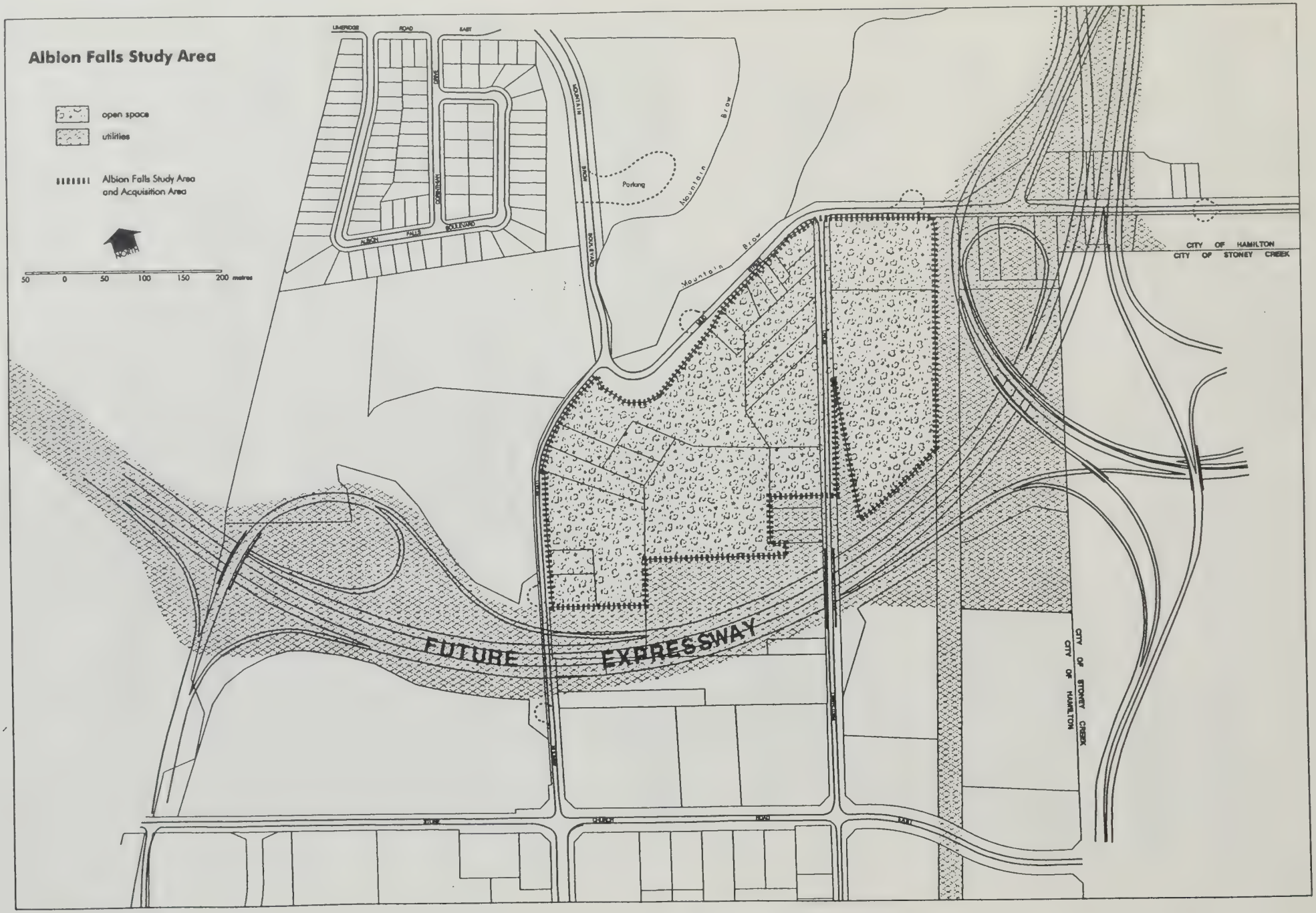
1. That the attached report, as APPENDIX A, "Albion Falls Modified Neighbourhood Plan Review", be received;

2. That the existing "Open Space" designation in both the Official Plan and approved Albion Falls Neighbourhood Plan, for the Albion Falls Study Area, as shown on Attachment 1, be reconfirmed; and,

3. That the recommendation to utilize proceeds from the sale of lots in the City owned subdivision (north of Mud Street, west of the Stoney Creek boundary) for the purchase and conversion to open space of properties in the Albion Falls Acquisition Area (Attachment 1) be reconfirmed.

LP/JH-E:fd

ATTACHMENT 1



ATTACHMENT 2

ALBION FALLS PUBLIC INFORMATION MEETING

Monday, November 24, 1994

Huntington Park Recreation Centre (7:30-9:00 PM)

In Attendance

Alderman Bob Charters
Alderman Tom Jackson

Mr. Morden	90 Pritchard Road
Mr. and Mrs. Rafter	109 Arbour Road
Evelyn and Byron Cook	60 Pritchard Road
Shirley Ahrens	60 Mud Street
Lisa and Jean Audette	64 Mud Street
Gary Field	142 Mud Street
Reg Swick	40 Pritchard Road
Mark Kinder	100 Pritchard Road
Donna Doyle	36 Mud Street
Adam and Marilyn Tocher	56 Mud Street
Ivan Hodgson	100 Pritchard Road (executor of the estate)

Staff

Bill Janssen	Planning and Development Department
Joanne Hickey-Evans	Planning and Development Department
Luc Piccioni	Planning and Development Department
Betty Matthews-Malone	Environmental Services
Robin Lane	Property Department
Dave Powers	Law Department
Rob Hall	Health Department

1. Alderman Charters opened the meeting with an introduction of staff.

2. Bill Janssen gave a brief history as to the reason for the study and the current planning designations affecting the lands. Luc Piccioni detailed the Open Space and residential land use options.

3. Mr. Hodgson advised that the City verbally promised water to area residents back in 1973. In 1985, he negotiated with the Region for the purchase of his property and was offered less than market value.

Mr Hodgson noted that if municipal water had been extended in 1982, the cost of the extension would now have been recouped with the savings from trucked water.

4. Adam Tocher indicated there are 398 acres of open space and park land in Ward 6 and the valley lands constitute 36% of all open space lands in the City. He questioned why the City needs more?

He said area residents want both water and sewers, not just water.

He felt the willing buyer/willing seller basis was inappropriate and immoral in that the only organization to benefit would be the City, and not area residents. He felt the costs of purchasing the properties were under estimated and the real value when including all legal costs, would be closer to $4 million.

Mr. Tocher looked forward to the closure of Mud Street.

He felt issues such as the interpretative centre represent excuses to buy the lands for open space.

He was concerned that the details contained in the 1994 study were not made available to him and others at a similar meeting in 1991. Joanne explained that the 1991 meeting was cursory and dealt with designations, zoning, water, traffic, etc ..., and the details of this study were as a result of the 1991 meeting.

5. Byron Cook questioned the history behind the installation of the watermain on Arbour Road, i.e., why was the water main extended down Arbour Road. Bill Janssen indicated he would try to determine the answer to this question and he would advise Mr. Cook.

6. Mr. Morden indicated to the Regional Engineer that Pritchard Road was hilly and the presence of the rock bed would make it difficult to install the watermain. Betty Matthews Malone agreed.

Mr. Morden wanted to ensure the water was extended to his property given the map showed the watermain stopping just short of 100 Pritchard Road. He was assured that if a water main was installed, it would be extended to his property line.

He felt taxes were too high in the area. Robin Lane explained how taxes are derived and advised Mr. Morden that if he wished to do so, he could have his tax assessment reviewed.

7. Gary Field indicated that his dwelling was a legal duplex.

He wanted assurances that if only 1 house was left in the area, services (snow/garbage removal) would still be provided. Mr. Field wanted this assurance in writing.

Mr. Field had heard that one house had burned down and did not receive a Certificate of Approval to rebuild, so the building permit was denied. The property was located on Arbour Road. He likened this to the City holding a gun to the property owner and essentially forcing a sale.

He questioned whether the future form of development, if any, would include townhouses as well as single-family dwellings. Bill Janssen replied that if residential development is considered, its form would be similar to what is there now (i.e single-family dwellings).

Mr. Field also felt that the willing buyer/willing seller basis was immoral. He does not intend to move unless his property is expropriated.

Mr. Field requested a revised copy of the report. Mr. Janssen informed him that a copy of the final report would be available prior to the Planning and Development Committee meeting which would be a public meeting.

Mr. Field felt the report should address the issue of inflation since it is likely that many of the houses will remain for years.

He felt the designation (i.e open space) and the actual land use was a dichotomy in that the legally established use is residential.

He asked why the Region bought the land on the corner of Mud Street and Pritchard Road. Bill Janssen indicated it may have been purchased for freeway purposes, but since that time, the alignment of the Expressway has changed, and the property is no longer required for this purpose.

Mr. Field wanted to know who cuts the weeds on the City lands as they have been left to grow.

He is concerned that if the area is developed for residential purposes, the 7.5 acre City owned parcel south of his property, will also be developed for such purposes.

8. Mr. Rapter wanted to know if Arbour Road would be closed. Mr. Janssen said it would be closed to the south once the Expressway was built.

9. Alderman Charters asked if an industrial building could legally be built on the existing industrially zoned properties. The answer from Planning Departments staff was "yes".

10. Bill Janssen indicated that the Planning and Development Department would attempt to have a final report on this matter prepared for inclusion on the agenda of the February 1995 meeting of Planning and Development Committee.

JHE/LPP

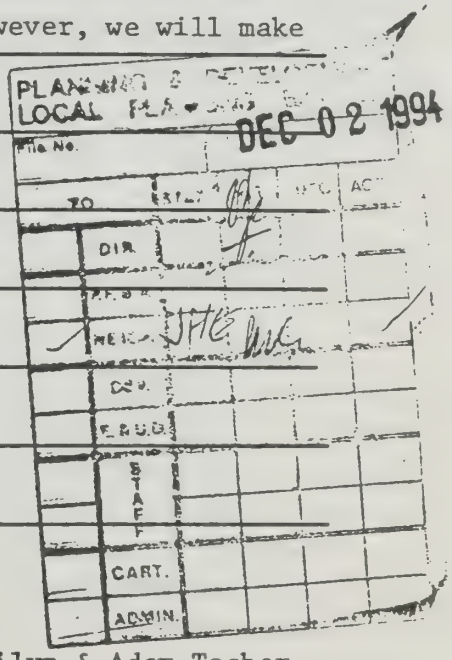
SUBMISSION FORM

P5-2-5

As long-time residents of the Albion Falls area, we are not quite sure what can be offered as a submission that has not already been said or presented numerous times over the years.

Unfortunately, it would appear previous suggestions and comments have fallen upon deaf ears, and the entire adventure now seems to have become an extremely one-sided affair in the eyes of the local Planning Department.

Please accept our apology for not being able to comment on the 39 page draft review in the 14 lines provided on the Submission Form, however, we will make every attempt to be as concise as possible.



NAME: Marilyn & Adam Tocher

ADDRESS: 56 Mud Street
Hamilton, Ontario, L8J 1R5

575-2964

The deadline for submissions is December 2, 1994. Please return the completed submission to:

Mr. Victor Abraham
Director of Local Planning
71 Main Street West, 7th floor
Hamilton, Ontario, L8N 3T4

If you have any questions, please call:

Bill Janssen, 546-4147

Reading through the various sections of the draft leads one to believe many of the land use issues have only come to light in the past short time. This leads a reader to suspect that the original neighbourhood plan, approved, we are told in 1982, did not intend to accomplish what the results of this study appear to suggest. A very good example would be the Interpretive Centre idea and the sudden surfacing of the 25 year old restaurant idea.

One would also suspect, the net proceeds from a city owned sub-division to the east of the study area, to be used as a financing vehicle to purchase our properties, is also something that has surfaced in the past 2 years. If, in fact, this has always been the *"plan"*, we are at a loss to understand why this issue and many others were not addressed at meetings in the fall of '92 chaired by Alderman Tom Jackson. If, in fact, everything suggested in the report is 1982 general information, then we personally feel the city has done a real injustice to all of the residents as numerous opportunities have been available to inform us of the city intentions and allow the residents to make arrangements for their own futures. If the study results are approved by Council, our futures are beyond our control, and we will be forced to live under conditions *"dictated"* by whether or not the city feels like purchasing our properties. One must realize, no one else will be willing to purchase under such conditions.

Such a purchasing condition is extremely immoral and we would be truly surprised and disappointed if our City Council agreed to such a practise.

At the November 21 meeting, I discussed in depth, the open space advantages enjoyed by all Ward 6 residents. This ward is a paradise when it comes to parks and open space as compared to any other ward in the city. I can truly understand a lower city based ward fighting for even a two house lot open space, however, Ward 6 has almost 400 acres plus a portion of and being adjacent to, the Red Hill Valley that encompasses 36% of all open space in the entire city. The ward is already rich in open space and the Planning Department review appears obsessed with obtaining even more, and suggesting City Council actually displace people, and pay an enormous sum of taxpayer's money to purchase this small community to fulfil their obsession.

When we try to take a realistic view of the study results and ultimate suggestion for the future of the area, we see the following:

1. City Council has not been involved or even aware of any of the plans and series of events since January 1982. All decisions, changes and plans have been between the City Real Estate Department and the Planning Department Committee. Virtually no resident input.

2. It would appear the Planning Department is obsessed with open green space acquisition and is not showing any innovative ideas. May we suggest this is 1995 and not 1981. To spend probably $4,000,000.00 to obtain roughly 9 acres when the area can be serviced for less than $1,500,000.00 and at least retain some tax base, is not a very sound business decision, not to speak of taxpayer focus.

cont'd...

3. As a management employee of a very large company in this city, if I were to present such a proposal, I would certainly be laughed out of the room and you can be assured, it would be my final proposal.

In conclusion, certainly more could be said, but, we are all very disenchanted with the City Planning Department's very firm 1980's approach to the entire issue and unfortunately the one thing we had sincerely hoped would not happen, has happened. When the lawyers become involved, there is only one winner, and it is neither of us.

Hopefully, our elected representatives are made aware of all issues and prior to the preparation of the final report, we believe the Planning Department for our city has the expertise to come up with a better and more viable innovative plan for our small community and the lives of it's residents.

Yours truly,

Marilyn & Adam Tocher
56 Mud Street
Hamilton, Ontario
575-2964

/vw

cc: Bob Charters
Tom Jackson

"Distributed to: Alderman Drury; Alderman Eisenberger; Mayor Morrow; D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, Law Department; M. Main, Traffic Department, D. Lobo, Director of Public Works - 1994 Sept 1."

56 Mud St.,
Hamilton, Ont
L8J 1R5

→ B.J.

SEP 0 1 1994

Mr. J.D. Thoms,
Commissioner of
Planning & Development,
City of Hamilton,
71 Main St. W.,
Hamilton, Ont.,
L8N 3T4

Dear Sir:

I have had an opportunity to review your Departments report to Alderman Charters and the subsequent authorization request to the Planning and Development Committee to undertake a study regarding the Albion Falls Neighbourhood Plan.

Based on the following I am very concerned that the decision has already been made and the study is simply another "put off" in a 25 year history of similar occurances.

In your study recommendation, the background offered, lacks any kind of detail and in fact only speaks of issues that have come to light in the past 6 months. It does not address the real issues and the conditions that have been imposed on all area residents for at least 25 years.

Following receipt of approval to proceed, the Chairman of the Planning and Development Committee, Alderman Drury, made the comment to a neighbour "with only a few homes involved there is no way we are going to service that area we would never get our money back". As you can see, the informed chairman has already made his decision and even "if" the local planning department has the best of intentions I would suggest the end result is predictable. The concept that surrounding municipalities use when it comes to services, " you win on some and lose on others" is not a Hamilton policy, money is!

May I offer some comments that would help with your study and at least you will be able to come up with an informed recommendation.

1) All homes in this area were serviced by wells until the construction of the Limeridge Road main sewer line. Extensive blasting upset the water table and within a very short period all homes were forced to install cisterns. The Region blamed the City and the City blamed the Region. The issue ended up unresolved after 1 year of fighting back and forth. Area residents finally gave up.

cont.....

2) During the following years one neighbour or the other has brought the services issue to the attention of the Planning Department and in some cases the Alderman and the various excuses and promises have been nothing short of being simply incredible. For years it was "it's in the five year budget" or " water will not run up hill".

3) Neighbourhood Plan: In the fall of 1992 at a meeting with area residents the Alderman and representatives from the Planning department I was told the Albion Falls Neighbourhood plan was passed by Council in 1982 and a meeting was held with area residents involved to discuss the proposal prior to council approval. Every neighbour was asked, were you informed and did you attend such a meeting and the answer was no. Obviously the entire neighbourhood was hood winked in order to freeze property values.

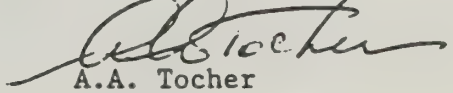
4) Services: Not only are services, water and sewers an issue, but all other services generally taken for granted by other City tax payers are almost non existant.
    1) No fire protection.
    2) Poor street lighting.
    3) No sidewalks.
    4) Approximately 16,000 cars per day.
    5) Very poor Police response.
    6) No maintenance, weeds etc.
    7) Broken or falling down retaining walls.
    and it goes on and on.

The point I am trying to make is, the study you are conducting deals with numerous issues, enviornmental, health, human, safety, frozen land values and the inability to even sell our properties once the end result of your study is published. I believe a citizen advisory committee is critical rather than not being warranted.

Unfortunately, the property owners in this little hamlet have all been residents for long periods of time and have become very bitter with City Officials and City staff. The amount of trust is zero and even although I believe Alderman Charters is trying to reach a solution equitable to all concerned it still appears to me that no matter what your study concludes, the decision by the "decision makers" has already been made.

As a 28 year victim of living in this area, I would be more than willing to offer any assistance that you may require in order to come up with a study worthy of presenting to the decision makers. Please do not hesitate to call if I can be of assistance.

Yours truly



A.A. Tocher
575-2964 - Home
548-3471 - Work

cc: V.J. Abraham
Tina Agnello
R. Charters
H. Turkstra
J. Pavelka

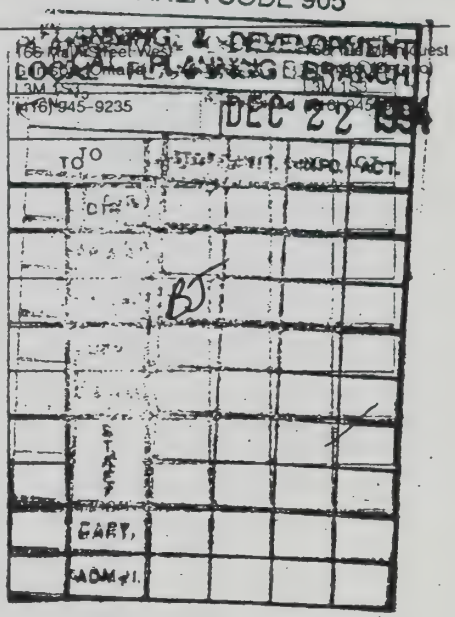
PS-25

Niagara Escarpment Commission / Commission de l'escarpement du Niagara

Ontario

ATTACHMENT 3

AREA CODE 905



December 14, 1994

B. Janssen, M.C.I.P.
Division Head
Policy and Neighbourhood Planning
Planning and Development Department
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

RE: Albion Falls Modified Neighbourhood Plan Review Observations
Part Lot 34, Concession 7 - Formerly of Saltfleet
Part Lot 1, Concession 7 - Formerly of Barton
City of Hamilton

Thank you for your recent letter informing the Niagara Escarpment Commission of the initiative of your department to undertake the neighbourhood study. The following comments are provided for your consideration.

Your study concentrates on two focal points regarding the future development of the Albion Falls Neighbourhood (i.e. open space and residential). Several variations of the two land uses have been explored by the report detailing the costs and benefits to your municipality. The report concludes with the recommendation that the municipality pursue retaining the open space in this area. The redesignation to a residential land use and the resulting development pressures would appear to be too costly.

I have enclosed a Niagara Escarpment Plan - Map No. 2 delineating your study area as it relates to the Niagara Escarpment Plan. The northern portion of the subject lands are designated Urban Area (Part 1.7) in the Niagara Escarpment Plan (1994). This area is also within the Niagara Escarpment Commission administered Development Control Area. A Development Permit is required from the Commission for any construction activities unless exempted. In addition, to the immediate north and west of the site are lands designated Escarpment Natural Area and Escarpment Protection Area. These areas contain the Escarpment Brow, upper reaches of the Redhill Creek and the Mount Albion Conservation Area.

100% Unbleached Post-Consumer Stock

The objective of the Urban Area designation is to minimize the impact and further encroachment of urban growth on the Escarpment environment. The range of permitted uses and the creation of new lots within the Urban Area is subject to Part 2, Development Criteria, and the following relevant development objectives as incorporated in official plans and by-laws that are not in conflict with the Niagara Escarpment Plan.

1. All development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.

2. New development shall not encroach into Escarpment Natural or Escarpment Protection Areas.

6. Adequate public access to the Escarpment should be provided by such means as parking areas, walkways or pedestrian trails (e.g. Bruce Trail).

9. Growth should be compatible with and provide for the protection of unique ecologic areas, wildlife habitats, streams and water supplies and other environmentally sensitive areas both inside and adjacent to Urban Areas.

Public access to the Escarpment feature, should either development form be selected, may be obtained by utilizing the open space blocks, walkways, etc. at the north and west ends of the neighbourhood. However, to ensure pedestrian access to the Escarpment can occur in an organized fashion, the developer should provide linkages from the development to open areas and forested lands beyond.

For any development to be considered compatible with and provide for the protection of unique ecologic areas, the discharge of stormwaters into the tributary of the Redhill Creek may have to be controlled. A sizeable watershed exists within the neighbourhood and to its immediate north. A small drainage course on the site conveys waters from these lands north to the Escarpment edge. In addition, the future expressway will significantly disrupt the local drainage patterns in the area. If the 140 lot subdivision scheme is pursued, further complications to the conveyance of the neighbourhood's stormwaters can be expected. A stormwater management plan would be required emphasizing the protection of the Escarpment Natural Area.

Any proposed development must also comply with the Plan's relevant Development Criteria in Part 2. Sections 2.2.1 a), 2.2.1 b), and 2.2.4 consider a site's ability to sustain the development over the long term without substantial negative and cumulative impacts to the Escarpment environment or visual landscape. Sections 2.2.5, 2.2.6, and 2.14 stipulate that a development's infrastructure and design is to be in harmony with the Escarpment landscape. Section 2.6 addresses a development's impact on water resources.

Niagara Escarpment Plan policies for the Parks and Open Space System include objectives to provide adequate opportunities for outdoor education and recreation, to support tourism, to maintain and enhance the natural environment, and to provide adequate public access to the Niagara Escarpment. The Mount Albion Conservation Area is an example of a local park within the Niagara Escarpment Parks and Open Space System. The retention of the Albion Falls Neighbourhood as open space for the City of Hamilton would be an appropriate initiative to complement the policies in this section of the Plan. Its use as a focal point for the Hamilton community (i.e. Restaurant With A View) could be particularly complementary.

In principle, the open space option appears to meet the Urban Area objectives and the policies of the Plan. Any intense form of residential development may tax the neighbouring significant Escarpment features which may result in the preclusion of the opportunity to promote the objectives of the Niagara Escarpment Plan. The preferred option is, therefore, the retention of the Open Space.

I trust this information is of assistance; however, should you have any questions, please do not hesitate to contact me.

Yours truly,

Steve Stone
Planner

SS/kt

c: Hamilton Region Conservation Authority - Scott Konkle

MAP 1

Niagara Escarpment Plan

File No. _____

Applicant ALBION FALLS NEIGHBOURHOOD PLAN



LEGEND

Escarpment Natural Area		Urban Area	
Escarpment Protection Area		Escarpment Recreation Area	
Escarpment Rural Area		Mineral Resource Extraction Area	
Minor Urban Centre		Public Land (in Parks System)	

SCALE 1 : 50,000

METRES 1000 500 0 1000 2000 3000

Nov. 92

ATTACHMENT 4

DEPARTMENT OF PUBLIC HEALTH SERVICES
INSPECTION DIVISION

M E M O R A N D U M

P 5-2-5

TO: L. Piccioni
Senior Policy Analyst
Planning & Development Department

FROM: William Hunter
Acting Director of Inspection Services

DATE: December 20, 1994

SUBJECT: Albion Falls Modified Neighbourhood Plan Review

This letter is in response to the above-mentioned plan. Any option that requires development in the subject area which would be serviced by private septic tank systems has been considered by staff of this Department who report as follows:

1. A minimum lot area of 0.8 hectares (2 acres) would be required. This condition is based on the extremely heavy clay soils which are indigenous to this area. These soils have a very low permeability factor and a percolation rate greater than that permitted by current legislation for conventional sewage disposal systems. When this is combined with a seasonally high water table and marginal surface drainage then the need for considerable caution, when considering development, is apparent.

2. It should be stressed that the aforementioned 0.8 hectare lot area is a minimum and, where warranted, would be subject to increase by the Department of Public Health Services.

3. A complete hydrogeologic study would be required in the event of a proposed subdivision.

4. Current Ministry of Environment and Energy policy is opposed to subdivision development taking place on municipal water and private sewage disposal systems.

Also, any option that requires municipal water to be supplied to the existing dwellings must be carefully reviewed. This Department is of the opinion that the extension of the watermain to the existing properties could result in increased water usage with a concomitant potential for septic system failure, particularly in the heavy clay soils that predominate the Albion Falls area.

Any septic system failures on the existing properties would require remedial action on an individual owner basis. These repairs would need to be done according to the Sewage Systems Regulation under the Environmental Protection Act. (Note. The Ministry of Environment and Energy does not allow Class 5 holding tanks to be used for residential purposes unless it is a temporary measure until municipal sewers are available).

BH:dm

\albion.dec

Appendix A

ALBION FALLS
MODIFIED NEIGHBOURHOOD PLAN REVIEW

Regional Municipality of Hamilton-Wentworth
Planning and Development Department
Local Planning Branch

January 1995

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SECTION 1 STUDY BACKGROUND AND PURPOSE

1.1 Location

This study reviews the Neighbourhood Plan for a portion of the Albion Falls Neighbourhood in Hamilton. The study area is in Ward 6, just south of Albion Falls in the area of Pritchard and Arbour Roads and the Expressway alignment (See Map No. 1 for general location and boundary of study area).

1.2 Existing Land Use

The study area contains 23 properties totalling 35.4 acres. There are 15 single family dwellings in the study area and vacant lands. There are a number of landowners including the Region, City of Hamilton, Hamilton Board of Education and private persons.

The area is designated "Open Space" in the City of Hamilton Official Plan. The area is unserviced. Sewage disposal is through the use of septic tanks. Water, subsidized by the City, is trucked to the residential properties. Several other key factors also affect potential land use options in the area. These factors include, but are not limited to:

- location and accessibility;
- cost/difficulty of servicing;
- cost/difficulty of purchasing private properties; and,
- timing/pace of residential development to the east of this area;

Planning policies and factors affecting potential land use in the area are discussed in Section 2 of this report.

1.3 Purpose of the Study

The purpose of this study is to evaluate land use options and choose a preferred option for the study area (see Appendix 1 for Terms of Reference). Several factors have combined to make this study necessary. There has been a delay in the purchase of the residential properties by the City or other public/private body for open space purposes due to a lack of funding. Also, a request has been made by several area residents to have their properties serviced with municipal water and sanitary sewers. As a result, a request was made by the Ward 6 Aldermen and endorsed by City Council to undertake a review of the area.

As approved, this modified review of the area will examine two basic options:

1) retention of the open space designation and use of the area for open space; and,
2) change to a residential designation and use of these lands for residential purposes.

Several variations on these two basic options are developed in this study, including a mix of residential and open space uses, but fundamentally the choice is between the two options listed above. A complete description and evaluation of these options is provided in Section 3. This evaluation employs both planning and cost-benefit criteria to recommend a preferred option in Section 4.

Information required to complete this study was obtained from several City and Regional departments, including the Property, Law, Treasury, and Environmental Services Departments and the Freeway Project Office.

SECTION 2 PLANNING BACKGROUND AND LAND USE ISSUES

2.1 Current Planning Status

Hamilton-Wentworth Official Plan

The existing Regional Official Plan designates the area as "Existing Development" while the new Regional Official Plan designates the area "Urban Area".

City of Hamilton Official Plan

The City of Hamilton Official Plan designates the area as "Open Space" on Schedule A - Land Use Concept. According to Policy A 2.4.1, the primary uses permitted under the Open Space designation include:

> "developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics..."

In addition, the following policies should be noted.

Policy A 2.4.3 specifies that:

> "Open Space will be acquired through land dedication or cash-in-lieu, as provided for in the Planning Act, by means of funds through the Five-Year Capital Budget, and as further set out in Subsection D.5".

Policy A 2.4.8 specifies that:

> "Where land designated Open Space is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these areas are free and open to the general public or will be purchased by the Municipality or any other public agency".

The residential uses in the study area are "non-complying uses" as defined in Subsection A 3.3 of the Official Plan. The extension or enlargement of non-complying uses may be permitted by Council, if certain requirements are satisfied, one of which is:

> "...that the proposed extension or enlargement of the established non-complying use will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area".

Neighbourhood Plan

The Albion Falls Neighbourhood Plan, approved by City Council in 1982, designates the area "Open Space". This designation is consistent with the Official Plan and was put in place to provide for a logical extension of the Redhill Valley and a link between the Valley and the Conservation Authority open space west of Arbour Road. This would provide for continuous pedestrian trails and the opportunity for active and passive recreation.

As part of the Neighbourhood Plan, City Council passed a resolution that proceeds from the sale of lots in the City owned subdivision to the east of the study area, north of Mud Street, would be used to purchase properties in the Albion Falls Acquisition Area (the study area), for open space purposes.

Once the Expressway is built, it is intended that Mud Street will be closed just east of Pritchard Road and even with the planned construction of the Pritchard Road overpass to serve the residential properties, the site will be somewhat isolated. The area also lacks municipal services and to service the area would require significant expenditures and possibly a sewer easement across environmentally significant lands to the west.

Consequently, because of the unique open space opportunity presented by this area at the edge of the escarpment and the Redhill Valley, and the lack of municipal services, this area was designated for open space in the Neighbourhood Plan. A detailed planning history for the study area is contained in Appendix 2.

Niagara Escarpment Development Control

Nine of the 15 privately owned residential properties in the study area are within the Niagara Escarpment Development Control Area (See Map No. 2). Within this area, the Niagara Escarpment Plan (NEP) permits expansion to existing buildings, demolition and replacement, or a change in use, when it can be sufficiently demonstrated that the objectives of the applicable designation of the NEP are met. A development permit must be obtained from the Niagara Escarpment Commission (NEC). Exemptions to the permit can be given for additions up to 92.9 m^2 (1,000 square feet) where a 4.5 m (15 foot) side yard is maintained and the addition is no higher than the existing structure. A building or structure (damaged by fire or other natural causes) may be rebuilt in the same location, of the same exterior size and use without a Niagara Escarpment Permit, provided municipal requirements and provisions of Ontario Regulation 685 as amended, are met.

City of Hamilton Zoning By-Law

The lands in the study area are zoned "AA" (Agricultural) District, and "M-13" (Prestige Industrial) District (See Map No. 2 - Land Use Regulations and Ownership). The 13 homes in the "AA" Agricultural District are in a legally established non-conforming location. Because these lots are considered existing lots of record, subject to Niagara Escarpment Commission (NEC) control, the zoning by-law permits without the need for a minor variance; renovations, additions, demolition and replacement, as long as the following yard requirements are met:

i) a front yard of a depth of at least 12.0 metres (39.37 feet);
ii) a side yard along each side lot line of a width of at least 4.5 metres (14.76 feet);
iii) a rear yard of a depth of at least 10.5 metres (34.45 feet); and,
iv) the requirement for a lot width of at least 60.0 metres (196.85 feet) and an area of at least 12,000 square metres (2.97 acres) is waived.

In the case of the residential properties within the NEC Development Control Area, an NEC development permit or permit exemption is required. In the case of the residential properties that are outside the NEC Development Control Area, but within the "AA" District, the yard requirements as specified above apply.

The remaining two properties in the area are legal non-conforming uses because residential is not permitted in the "M-13" (Prestige Industrial) district. Therefore, any change to the residential use or location of buildings on these properties, as specified above, would require minor variances.

A cultural, recreational or community building is currently permitted by the Zoning By-Law in the 'AA' (Agricultural) district. Potential recreation centre sites above the Escarpment are being examined farther to the west where recent population growth may warrant the need and location of such facilities.

In summary, while the residential uses in the study area do not comply with the Official Plan, they are permitted by the Planning Act and the zoning by-law. Also, renovations, additions, demolition and replacement are permitted, subject to the requirements of the NEP and City zoning by-law.

The Law Department advises that the City is not liable to owners of properties in the Albion Falls area who claim that their lands have been "sterilized" by planning designations approved by the City. Albion Falls is not a unique case as many properties throughout the City are zoned and designated for uses other than those currently existing on these properties. The Law Department also advises that Albion Falls residents cannot oblige or require the City to purchase their properties. In the event that the City decides not to purchase properties at the time the owners wish to sell, the properties can be sold on the open market.

2.2 Factors Affecting Land Use

As previously mentioned several factors have a bearing on land use in this area. A discussion of these factors is presented here prior to development of land use options in the next section.

Location and Accessibility

Accessibility to the site is presently from Mud Street, Pritchard Road or Arbour Road. The study area presently has a natural boundary to the north in the form of the Escarpment and Albion Falls. Conservation Authority lands border the site to the west and southwest. Once the Expressway is built, the site will have a hard boundary to the southeast and Arbour Road will be closed at the Expressway. Mud Street is planned to be closed east and west of Pritchard Road and because the study area is designated open space, the Region also planned to close Mountain Brow Boulevard north of Albion Falls (See Map No. 3 - Road Pattern). An overpass at a total cost of $2,000,000 (Provincial portion $1,400,000, Region's portion $600,000) is planned for Pritchard Road. The possibility of deleting the Pritchard Road overpass and leaving Mountain Brow Boulevard open under the open space option was investigated. However, the Freeway Project Office advises that the overpass is needed because it will provide access both east and west for the existing residences, and/or the open space area, and access from the west during construction of the Expressway, because Mud Street must be closed.

Also, the overpass is scheduled to be constructed as part of the east-west portion of the Expressway in 1996 or 1997. It is unlikely that the area could be completely converted to open space by this time. Therefore, the Pritchard Road overpass is included in all of the options.

Cost of Servicing

Water

Water is currently trucked to the existing residences at a cost to the City of approximately $25,000 per year. The owner's contribution is equivalent to the non-meter water rates throughout the City of Hamilton. A request was made by three residents in the study area (36, 52 and 56 Mud Street) to extend the Regional watermain to their properties. The Region agreed to this request if the residents were prepared to pay the full cost of the extension ($134,000). When informed of this cost, the residents withdrew their request.

Three of the 15 residential properties in the study area currently have municipal water service. The remaining 12 residences can be serviced by a 200 mm diameter watermain extended from the existing Arbour Road watermain to Mud Street, along Mud Street to Pritchard Road and south on Pritchard Road approximately 300 metres (See Map No. 4a - Servicing: Watermains). The total cost of this work is estimated at approximately $340,000. This watermain could be installed under the Local Improvement Act which requires the property owner to pay $99 per metre of frontage plus the service connection cost of $1,200. The owner's share of this cost estimate is projected at $90,000, leaving the Region's share at approximately $250,000. A request would have to be made to the Region so that the watermain could be considered in their Capital Budget process.

The installation of municipal water could eventually increase pressure and requests for full municipal services (sanitary and storm sewers) in the area. Residential development at densities greater than those that already exist in the study area would require the watermain be looped for security of water supply and fire flow capacity at an additional cost of $220,000 for a total cost of approximately $470,000 (including Local Improvement Charges).

Sanitary Sewers

The existing residences and/or future residences can be serviced with either a 250 mm diameter gravity sewer system (Option 1) or a combination gravity/forcemain system (Option 2) (See Map No. 4b - Servicing: Sewer Pipelines). Option 1 is estimated to cost approximately $822,000, but would require the crossing of an environmentally significant area (ESA) to the west. This would require an easement, and it would likely be difficult and time consuming to obtain the necessary agency approvals to cross the ESA. Option 2 would not require crossing the ESA, but is estimated to cost approximately $1,280,000. Installation of sanitary sewers could increase pressure for residential development and full urban services.

Storm Sewers

A storm sewer system is required if existing and future streets are to be constructed to full urban standards, i.e., without roadside ditches. Addition of storm sewers would increase the cost of servicing by approximately $400,000.

In summary, the cost of servicing this area with water and sanitary sewers just for the existing residences is approximately $1,160,000. Full services in the area to permit large scale residential development would cost in the order of $1,560,000 to $2,020,000.

Cost and Funding of Property Acquisition in the Study Area

The City currently owns six properties totalling 17.7 acres (half of the study area). The property at 142 Mud Street was added to the study area after the market value to acquire and demolish the other 16 properties (14.6 acres) was estimated at $2,790,000. An estimated market value for the property at 142 Mud Street cannot be provided here as this would provide an individual property value in the study area, and this is considered confidential information under the Municipal Freedom of Information Act. The Board of Education has advised the City that it has no immediate plans to develop their property (5.4 acres) for a school site. Based on the small size and location of the site adjacent to the Expressway route, it is unlikely this site will be developed as a school.

If the residential properties are serviced with a watermain prior to their purchase by the City or other public body, only a nominal increase in their market value is expected. Certainly, the installation of sanitary sewers would increase the market value of these properties. The purchase of residential properties for conversion to open space in the Albion Falls area could be financed from three sources:

1) the 5% Parkland Dedication Reserve Fund;
2) the sale of lands in the City owned subdivision to the east of the study area; or,
3) a general tax rate increase or the issuance of debentures.

In 1988 and 1989, three properties with a total purchase price of $786,000, were purchased in the area utilizing the Parkland Dedication Fund and set aside for open space purposes. This fund does not presently contain sufficient monies to be a viable option for significant expenditures in the Albion Falls area, without having a significant impact on the ability to finance other potential parkland acquisitions in the City. Funds for park acquisition have already been spent for 1994 and 1995. The priority for parkland acquisition is for neighbourhood parks, and not open space.

As stated earlier, the City passed a resolution that would see proceeds from the sale of lots in the City owned subdivision to the east used to purchase properties in the Albion Falls Acquisition Area for open space purposes. A Draft Plan of Subdivision has been prepared and the proposed subdivision is expected to yield approximately 86 single-family lots. Based on current market value, revenues from the sale of these lots would be in the order of $2,400,000. Actual net revenues cannot be determined until hard servicing costs are finalized.

The net proceeds from the City owned subdivision would not fully cover the cost of purchasing the required properties in the study area. There would be an estimated shortfall of at least $400,000. Realistically, the sale of lots in the City owned subdivision will not commence until at least the Spring of 1997. Therefore, full proceeds from the sale would not be realized until well into 1998. Consequently, the sale of lots in the City owned subdivision will not provide a financing vehicle for the purchase of properties for open space in the Albion Falls area until 1997-1998.

Open Space in the Albion Falls Area

Ward 6 contains approximately 294 acres of City owned parkland. Fourteen parks containing 184 acres (63% of total) are classified as active/sports type and five parks containing 110 acres (37% of total) are classified as passive/natural type. Of these five parks, two (6 acres) are community parks. The other three open space areas (104 acres), including Albion Falls Park, Escarpment Ward 6, and Mountain Brow Park East, are classified as city wide parks.

Redhill Valley Interpretive Centre/Restaurant With A View

The Province of Ontario recently announced funding for an interpretive centre to be located in or near the Redhill Valley. Due to its location, view, and natural link to the Redhill Valley, the open space area at Albion Falls could be considered as a potential site for the interpretive centre along with several other sites in and around the Valley. Depending on the amount of funding for the interpretive centre and the nature of the centre, there may be the possibility that a portion of the funds provided by the Province could be used for property acquisition. Details are not yet available from the Province regarding how the location decision for the interpretive centre will be made.

The study area was also identified as a potential site for an escarpment restaurant in both the previous and current Restaurant With a View Study. There may be some potential to combine the restaurant and interpretive centre in one location. Depending on the size and nature of such a building, the need for municipal (water, sanitary sewer, road access) and other services could become a consideration in planning for the area.

SECTION 3 LAND USE OPTIONS AND EVALUATION

This Review essentially presents two options for the study area:

i) retention of the existing open space designation; or
ii) designation and use of these lands for residential purposes.

For each of these two options there are various sub-options that will be investigated, but ultimately, from a planning perspective, one of the two options should be chosen so as to eliminate any uncertainty that may have developed with respect to the planning for this area. All of the sub-options are described and evaluated below. Table 1 contains a summary of the options along with costs/savings to the City and the Region and an evaluation of each option.

3.1 Option 1 - Retention Of The Existing Open Space Designation

Since the area is designated "Open Space" in the City of Hamilton Official Plan, this option represents a reconfirmation of existing planning policies. The Official Plan does not obligate the City of Hamilton to purchase lands designated open space. Nonetheless, if this area is to be utilized as open space, then the properties in question will eventually have to be purchased and converted for such purposes by a public body. The City has indicated its desire to purchase these properties for open space, and has in the past purchased several properties. It should also be noted that both the Hamilton Region Conservation Authority (HRCA) and the Niagara Escarpment Commission strongly support use of this area as open space.

One of the potential disadvantages in all of the open space options in this section is that one or more of the 15 residents and/or the School Board may not be willing to sell their properties. This would hinder the City's attempts to purchase all the properties in a timely fashion. If one or more residential properties remain, this could compromise the integrity of the open space area. In cases where the City cannot purchase properties on a willing buyer-willing seller basis, expropriation may become an option.

The five options outlined below provide for conversion of the residential properties to open space to varying degrees. Options 1A, 1B and 1C propose conversion of the entire study area to open space usage, while Options 1D and 1E represents a split between open space and residential use.

Option 1A - Open Space With No Municipal Water

This option involves retaining the "Open Space" designation in the area. The 15 private residential properties and the Board of Education site would be purchased by the City. The residences would be cleared and the entire study area would be converted to open space. The cost to the City to purchase all the properties and convert them to open space is estimated at approximately $2,790,000. The intended funding source is the sale of lots in the City owned subdivision. At the current market value, the sale of all 86 single family lots in this subdivision would yield net revenues of approximately $2,400,000.

Because funds are not currently available in the Parkland Dedication Fund, purchase of residential properties in the study area in the next three to four years will require some form of bridge financing, e.g., debentures or a general tax rate increase. When proceeds from the City owned subdivision become available in three to four years, they can be used to repay the bridge financing.

As each residential property is purchased by the City, the trucking of water to the property can be eliminated, resulting in a cost savings to the City. However, it is estimated that purchase of all the residential properties on a willing buyer-willing seller basis could take several years. Therefore, the full cost savings of $25,000 per annum from eliminating the trucked water service would not be realized for some time.

Evaluation

Option 1A is clearly the preferred option in terms of conformity to existing planning policies and resolution of the servicing issue. It provides for the conversion of the entire study area to open space, thereby providing:

i) an open space link between the Redhill Valley and open space to the west;
ii) an opportunity for pedestrian trails and active and passive recreation;
iii) buffering and protection of the Escarpment and Albion Falls from the effects of the Expressway and residential development; and,
iv) a possible location for a Redhill Valley interpretive centre and/or restaurant.

There is also an intrinsic value to providing open space for neighbourhood and city residents that cannot be assigned a monetary value. This value applies to all the options in this section that provide for open space.

The cost of option 1, at least $2,790,000, is significant. Assuming net revenues from sale of lots in the City owned subdivision to the east at $2,400,000, there is a shortfall of at least $400,000. It will take at least three to four years before lots are sold in this subdivision, and these funds become available. Therefore, if an earlier resolution to this issue is desired, an interim funding source has to be identified. As stated earlier, funds are not available in the Parklands Dedication Reserve Fund without affecting the ability to finance other potential parkland acquisitions in the City.

If an interpretive centre and/or restaurant is located in the study area, the extension of the watermain may become necessary in the future if such a facility should require municipal water. However, this extension would only run approximately 50 metres north of the existing terminus of the water line on Arbour Road, and then onto the site. Because it is a short extension, it would cost significantly less than the estimate of $340,000 for the residential properties, and somewhat less than the estimate of $134,000 for extension of the watermain down Arbour and along Mud Street (3 properties). Also, the watermain would not have to be extended until such time as a final decision is made regarding the location of the interpretive centre and/or restaurant.

Option 1B - Open Space With Municipal Water

Option 1B is the same as Option 1A, except that the watermain is extended to the residential properties prior to their purchase and conversion to open space by the City, i.e., immediately. While the City presently subsidizes the trucking of water to the residential properties, the provision of water services is a Regional responsibility. Discussions with Regional staff concluded that the Region's responsibility to "deliver" water to residents is only in the areas where there are water supply lines. The Regional Municipalities Act allows for the provision of water services within a Region but the Act does not impose an obligation to require the provision of water services to a particular area of a Region upon demand. The Albion Falls area will likely remain in a low position on the Region's waiting list for municipal water services unless elevated through the Region's Capital Budget process.

Evaluation

Extending municipal water now, would provide the existing residential properties that currently do not have it, with municipal water until such time as they are purchased and converted to open space. Because purchasing all the private properties could take several years, extending the watermain would alleviate the immediate servicing issue. Also, extension of the watermain would provide the City with an immediate cost savings of $25,000 per year from trucked water.

It is not cost-effective for the City to install a watermain, and then after a few years, purchase the residential properties, demolish and clear the houses and convert the area to open space. Municipal water may only be required if a use such as an interpretive centre and/or restaurant or recreation centre was located there, and it is possible that such a use could be supplied by trucked water. Even so, as mentioned in Option 1A, extension of the watermain for such a use, if required, would be less costly, and could be done at the time it is required.

Extension of the watermain does have other implications. It could result in increased water usage and concomitant septic system failure, particularly in the heavy clay soils that predominate in the Albion Falls area. Therefore, extension of the watermain could result in pressure for the installation of sanitary sewers, if and when the septic systems fail, and it could also result in pressure for additional residential development.

Under this option, the costs of extending municipal water, both monetary ($250,000) and in terms of potential pressure for full urban services and further residential development, appear to outweigh the monetary benefits ($25,000 per year) and the temporary resolution of the servicing issue.

Option 1C - Open Space (Two Phase Approach) With No Municipal Water

This option is the same as 1A, except that the 15 residential properties are purchased in two phases. Initially, the 4 properties in the western portion of the study area are purchased and converted to open space by the City. These properties are estimated to have a market value of approximately $786,000. These four properties still provide an open space area, albeit smaller, linking the Valley and the open space to the west of the study area.

Again, some form of bridge financing is required, but the amount to be financed is approximately $786,000. When funds become available from the sale of lots in the City owned subdivision, the remaining properties in the eastern part of the study area can be purchased by the City and converted to open space.

Evaluation

This option is merely a phasing of Option 1A and therefore costs the same as 1A. This option presents certain benefits over Option 1A. First, while the four properties in the western portion of the site offer a smaller open space, they still provide an opportunity for location of an interpretive centre and/or restaurant. This two phase approach allows the City to bridge finance a smaller amount, and then wait for the subdivision to the east to develop and provide the funds needed to purchase the remaining lands for open space. The remaining 11 residential properties will remain without municipal water until they are purchased and this could be a period of several years.

This option also presents certain disadvantages. Namely, some of the owners of the remaining residential properties to be purchased during the second phase may want to sell sooner, and some owners in the first phase may want to sell later. In this case, it would actually take longer to purchase all the properties in the area under the phased approach because the City would have to purchase the four residential properties in the western portion of the site before purchasing the remaining residential properties in the eastern portion of the site. Also, this approach does not treat the residents the same with respect to the City's desire to purchase their properties for open space on a willing buyer-wiling seller basis. This is not necessary and not advisable.

Depending on the use of this smaller open space in the future, the City could opt not to purchase the remaining residential properties and at the time this decision is made, designate them for residential use. However, waiting until the 4 properties are purchased to designate the remaining residential properties for residential use could create a level of uncertainty in the planning for the area, and this is not advisable.

This option is essentially the same as Option 1A. It provides the City with greater flexibility regarding bridge financing. But, it also restricts the properties to be purchased in the first phase and treats the property owners in the study area differently vis-a-vis the City's position on purchase of their properties.

Option 1D - Mix of Open Space and Residential With No Municipal Water

This option represents a compromise between open space and residential uses in the study area. The four properties in the western portion of the study area would be purchased ($786,000) and converted to open space.

The Official Plan designation and zoning on the remaining residential properties would then be modified to permit existing residential uses, but no additional development. This could be done by use of a special policy area in the Official Plan. Water would continue to be trucked to these 11 residential properties indefinitely.

Evaluation

This option really divides the study area into two halves with the eastern half for residential use and the western half for open space. While this open space (11.6 acres) is smaller than what could be achieved with the entire study area (35.4), it does provide an open space link. Purchase of the Board of Education site (5.4 acres) would expand the open space area to 17.0 acres and should be considered as a further step once the four residential properties are purchased.

The 7.5 acre City owned parcel east of Pritchard Road would be separated from the rest of the open space lands, and would therefore become unusable for either passive/active open space or residential purposes.

Although the four properties in the western portion of the site would be purchased, there will likely still be concerns among the remaining residents regarding servicing. The continued trucking of water presents several problems. First, because these properties would be designated and zoned for residential use, there is a much better argument for the provision of municipal water services. Also, paying $25,000 per year for trucked water is not cost effective over the long run (at least 15 years), compared to the cost of extending the watermain. Therefore, if the remaining 10 properties are to be recognized in the Official Plan for residential use and remain for this purpose, the watermain should be extended to these properties. This option is explored under 1E and is preferred to option 1D.

Option 1E - Mix of Open Space and Residential With Municipal Water

This option is the same as 1D, except that municipal water is extended to the remaining 11 properties. While there is an added cost to the Region of $250,000, there is an immediate cost savings of $25,000 per year to the City on trucked water. Also, the properties recognized as residential uses in the Official Plan will have municipal water.

Evaluation

The problem with these 11 properties receiving municipal water is that there may be increased water usage and possible septic system failure. Therefore, there may be requests for sanitary sewer services and further residential development to justify the huge cost (approximately $1,000,000) of these services. Again, the 7.5 acre City owned parcel east of Pritchard Road would be separated from the rest of the open space lands and would therefore become unusable.

This option does not fully resolve the land use and servicing issues. The remaining residents may still request that the City purchase their properties, or they may still request sanitary sewers at some point in the future. Nonetheless, extension of municipal water to the remaining residences under this option, should be predicated on the understanding that further residential development will not be permitted, and the area will not be serviced with sanitary sewers.

Summary

Options 1A and 1C merit further consideration as options that convert the entire study area to open space. Option 1E merits further consideration as a compromise option that converts part of the area to open space and retains existing residential uses in the remainder of the study area.

3.2 Option 2 - Designation and Use of Lands for Residential Purposes

This set of options involves designating and permitting development of the study area strictly for residential purposes. This would require a change to the Official Plan and zoning by-law and provision of at a minimum piped water. The density of residential use could range from the existing density (on septic systems) to much higher densities (on sanitary sewer). The options outlined below provide for the conversion of the entire area to residential use in various densities depending on the sewage disposal method utilized. Under this set of options, the opportunity to utilize the area for open space, along with the intrinsic value associated with this, is lost.

Option 2A - Existing Residential With Municipal Water

Option 2A basically involves changing the Official Plan and zoning by-law to permit the existing situation. The study area would be designated and zoned for residential use. However, the City would not permit any further residential development in the study area. The area would essentially be frozen at existing densities. Because the area would be designated in the Official Plan for residential use, municipal water should be extended to the existing residents.

Evaluation

While this option provides municipal water to residents, like any option that involves extending municipal water, it could encourage greater use of water and possibly septic system failure. Again, this could increase pressure for sanitary sewers and further residential development. Also, the City owned properties in this area (17.7 acres) cannot be developed for open space or residential purposes. There are several major disadvantages with this option and it does not provide the City with any significant benefits.

Option 2B - Additional Residential (on Septics) With Municipal Water

Option 2B is the same as 2A, except that it permits additional residential development on septic systems based on a minimum 2 acre lot size (as specified by the Region's Department of Public Health). Only one of the privately owned residential properties is large enough to sever a lot under this condition. The City owns approximately 18 acres and could develop eight, 2 acre lots based on septic systems. It would cost the City approximately $80,000 to install these septic systems. Sale of the eight City owned lots would gross approximately $800,000 to $1,000,000. But, when the value of the raw land (estimated at $100,000 per acre), is subtracted from the gross revenues, there would likely be a net loss to the City.

Evaluation

Several disadvantages are associated with this option and there is the potential for a net financial loss to the City due to the small scale of development. Also, current Ministry of Environment and Energy policy is opposed to subdivision development taking place on municipal water and private sewage disposal systems.

Option 2C - Residential Subdivision on Full Services

This option represents full scale residential development in the area. The Official Plan and zoning by-law would have to be changed to permit low to medium density residential for this area at the edge of the Escarpment. Based on a density of 6 single family lots per acre, the City could develop approximately 108 lots on its lands and another 32 single family lots could be developed on privately held lands for a total of 140 single family lots. Based on a current average market value of $70,000 per lot, the sale of the City owned lots would provide gross revenue to the City of approximately $7,535,000.

The 200 mm watermain must be looped to ensure security of water supply and fire flow capacity. This adds $220,000 to the $250,000 cost. Sanitary sewers must be installed at a cost of $822,000 to $1,280,000 depending on the route chosen. Storm sewers add $400,000 to the cost of servicing. The total cost to service the area, including the 108 lots that the City could develop, estimated at 60% of gross revenues, is approximately $4,520,000.

When the costs of servicing ($4,520,000) and the raw value of the 18 acres of City owned land (estimated at $100,000 per acre) are subtracted from gross revenues, the City can expect to net between $750,000 and $1,200,000.

Evaluation

This option provides full services to existing residents, but these residents will likely be required to pay a portion of these costs under the Local Improvement Act. While the gross revenues to the City from the sale of over 100 lots are substantial, the actual net financial benefit could be less than $1,000,000, and this does not include the staff time and resources required to prepare and get approval for the subdivision. This subdivision would increase the demand for soft services such as policing, fire protection, recreation centres and schools and this represents an added cost to the City. The City would also have to obtain funding for the installation of services for this area while it is already in the process of developing an 86 lot subdivision just to the east.

The subdivision proposed in this option would be bounded by the Expressway to the south and it would actually be dissected by an Expressway overpass in the eastern quadrant. While some lots would have a scenic view to the north, the sale of lots in the interior and southern portion of the subdivision, representing most of the lots, could be difficult. This scale of residential development would necessitate leaving Mud Street and Mountain Brow Boulevard open to provide a second access point in addition to the Pritchard Road overpass. Finally, a large residential subdivision in this location would permanently remove any possibility of utilizing this unencumbered property or part of the property for open space and linkage to the Valley, as was originally intended.

Summary

Options 2A, 2B are not recommended for further consideration because they do not resolve the servicing issue and they have numerous disadvantages and costs. Option 2C merits further consideration as an option that converts the entire study area for full scale residential development.

SECTION 4 CONCLUSION

Based on the evaluation conducted in this report, options 1A (all open space - no municipal water), 1C (all open space - no municipal water - phased approach), 1E (mix of open space and residential - municipal water), and 2C (residential subdivision on full services) are the only options that should be considered for the study area. Options 1A and 1C involve conversion of the entire study area for open space purposes. Option 1E involves converting part of the study area to open space and legitimizing the rest of the area for existing residential uses through a change in planning policies and the extension of municipal water to these residences. Option 2C represents full scale residential development (approximately 140 lots) on full urban services.

The difficulty with Option 1E (open space and residential) is that it provides only a short term solution to the servicing and land use issues. First, a smaller open space link does not provide for the intended size and nature of open space or level of protection and buffering for the Albion Falls area. While this option may alleviate the servicing issue in the short term, the land use conflict between open space and residential uses will likely continue because 11 residential properties would remain. These residents may still request that the City purchase their properties or provide an increased level of services.

Extension of the watermain to these residences could result in increased water usage and concomitant septic system failure. This has happened in other parts of the Region, particularly in areas with heavy clay soils, as is the case in Albion Falls. This could lead to requests from the residents for sanitary sewers. The cost of installing sanitary sewers is in the range of $1,000,000 and this could result in pressure for full scale residential development in order to justify these costs.

Therefore, Option 1E (mix of open space and residential uses) does not represent a long term solution to the servicing and land use issues in the Albion Falls area. The potential future costs to the City and other disadvantages associated with this option outweigh any potential benefits.

Option 1A proposes the purchase of all the properties in the study area on a willing buyer-willing seller basis. Option 1C proposes a phasing of Option 1A with 4 residential properties (western portion) purchased in the first phase, and 11 residential properties purchased in the second phase. Option 1C provides the City with greater flexibility in timing and funding of the property acquisition. However, this phased approach could actually result in a more lengthy and difficult purchase process for the City if one or more residents in the first phase is not willing to sell. Also, the phased approach treats residents in the study area differently with respect to the City's desire to purchase their properties for open space on a willing buyer-wiling seller basis. This is not necessary and not advisable. Therefore, Option 1A (all open space - no municipal water) is preferred to Option 1C (all open space - no municipal water - phased approach) in terms of retaining the area for open space.

Option 2C is the only option which merits further consideration from the options that propose using the area for residential purposes. While Option 2C resolves the servicing issue, there are several problems and costs associated with a subdivision in this location. Also, Option 2C does not accomplish the open space goals established in the Official Plan.

Because Option 1A resolves the servicing issue in the area and accomplishes the open space goals established in the Official Plan, it is recommended as the preferred option. Bridge financing for at least part of the total required purchase amount (at least $2,790,000) will have to come from debentures or a general tax rate increase.

Once proceeds from the sale of lots in the City owned subdivision to the east begin to accumulate, these proceeds should be used to pay down the debenture, i.e., repay the bridge financing. There may still be some shortfall (estimated to be at least $400,000) between the cost of purchasing the required properties for open space and the proceeds from the City owned subdivision. The exact amount of this shortfall, if there is one, cannot be determined until all proceeds from the subdivision and costs for land purchases are known.

Table 1

Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
1A*	Retain "Open Space" designation Purchase all 17 properties and convert area to open space Eliminate trucked water service as properties are purchased **TOTAL**	At least $2,790,000 (estimated market (value) **At least $2,790,000 (City)**	$25,000 per annum **$25,000 per annum (City)**	• Watermain does not have to be extended • Cost savings from eliminating trucked water • Use of area as open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant • Fully resolves land use and servicing issue • Intrinsic value of open space property	• Cost/funding to purchase all 17 properties • Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away • Will take several years to purchase all properties and eliminate trucked water service - full cost savings of $25,000 per annum not realized for several years • All residents may not be willing to sell on a willing buyer-willing seller basis
1B* (Same as 1A, except watermain extended prior to purchase of residential properties for open space)	Retain "Open Space" designation Extend watermain to residential properties Eliminate trucked water service Purchase all 17 properties and convert area to open space **TOTAL**	$250,000 (Region) At least $2,790,000 (estimated market value) **At least $2,790,000 (City) $250,000 (Region)**	$25,000 per annum **$25,000 per annum (City)**	• Residences supplied with municipal water until they are purchased • Cost savings from eliminating trucked water once watermain extended • Use of area as open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant • Intrinsic value of open space property	• Cost/funding to purchase all 17 properties • Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away • Possible pressure for sanitary sewers and further residential development once municipal water extended • If municipal water not required once properties converted to open space, expenditure of $250,000 is wasteful • All residents may not be willing to sell on a willing buyer-willing seller basis

* For more detailed description, see Section 3

Table 1 Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
1C* (Same as 1A, except properties purchased in two phases)	Retain "Open Space" designation			• Watermain does not have to be extended	• Initially smaller open space area/link
	Purchase 4 residential properties in western portion of area and convert to open space	$786,000 (estimated market value)		• Lower cost to purchase 4 properties and still provides open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant	• Funding still required for initial purchase of 4 properties
	Eliminate trucked water service to 1 property				• Remaining residential properties without municipal water until such time as they are purchased/converted for open space
	Remaining properties eventually purchased by City and converted to open space	$2,004,000 (estimated market value)		• Allows City time to raise funds for purchase and conversion of remaining properties to open space	• Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away
	Eliminate trucked water service to remaining properties		$25,000 per annum	• Fully resolves land use and servicing issue	• Will likely take several years to purchase remaining properties
	TOTAL	**At least $2,790,000 (City)**	**$25,000 per annum (City)**	• Intrinsic value of open space property	• All residents may not be willing to sell on a willing buyer-willing seller basis
1D*	Purchase 4 residential properties in western portion of area and convert to open space	$786,000 (estimated market value)		• Watermain does not have to be extended	• Smaller open space area/link
	Eliminate trucked water service to 1 property			• Lower cost to purchase 4 properties and still provides open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant	• Funding still required for purchase of 4 properties
	Change Official Plan and zoning by-law to permit existing residential uses on remaining residential properties				• Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away
					• Remaining residential properties without municipal water
	TOTAL	**$786,000 (City)**	**$0 (City)**		• 7.5 acre City property east of Pritchard Road unuseable
					• All residents may not be willing to sell on a willing buyer-willing seller basis

* For more detailed description, see Section 3

Table 1 Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
1E* (same as 1D, except watermain extended to remaining residential properties)	Purchase 4 residential properties in western portion of area and convert to open space	$786,000 (estimated market value)		• Lower cost to purchase 4 properties and still provides open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant • Remaining residences supplied with municipal water • Cost savings from eliminating trucked water once watermain extended	• Smaller open space area/link • Funding still required for purchase of 4 properties • Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away • Possible pressure for sanitary sewers and further residential development once municipal water extended and 11 properties designated/rezoned for residential development • 7.5 acre City property east of Pritchard Road unuseable • All residents may not be willing to sell on a willing buyer-willing seller basis
	Eliminate trucked water service to 1 property				
	Extend watermain to remaining residential properties	$250,000 (Region)			
	Eliminate trucked water service to remaining residential properties		$25,000 per annum		
	Change Official Plan and zoning by-law to permit existing residential uses on remaining residential properties				
	TOTAL	**$786,000 (City)** **$250,000 (Region)**	**$25,000 per annum (City)**		

* For more detailed description, see Section 3

Table 1 Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
2A*	Change Official Plan and zoning by-law to permit existing residential uses in area Extend watermain to existing residential properties Permit no additional residential development on City or privately owned lands	$250,000 (Region)		• Provides municipal water service to residents	• City and privately held land cannot be developed • Possible pressure for sanitary sewers and further residential development once municipal water extended • Loss of area for open space and as possible location for interpretive centre and/or restaurant
	TOTAL	**$250,000 (Region)**	**$0 (City)**		
2B*	Change Official Plan and zoning by-law to permit existing residential uses in area Extend watermain to existing residential properties Permit no additional residential development on City or privately owned lands unless on 2 acre lots (specified by Health Department) Subdivide/sever to create 8 City owned lots Install septics on 8 City owned lots Sell 8 City owned lots	$250,000 (Region) $80,000	$800,000 to $1,000,000 from sale of lots	• Provides municipal water service to residents • Net revenue to City = approximately $720,000 to $920,000 less value of raw land (16 acres at approximately $100,000 per acre) Net revenue to City is nil (actually negative)	• City and privately held land cannot be fully developed • Possible pressure for sanitary sewers and further residential development once municipal water extended • Loss of area for open space and as possible location for interpretive centre and/or restaurant
	TOTAL	**$80,000 (City)** **$250,000 (Region)**	**$800,000 to $1,000,000 (City)**		

* For more detailed description, see Section 3

Table 1 **Albion Falls Neighbourhood - Comparison of Options**

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
	Change Official Plan and zoning by-law to permit residential uses in area			• Provides full services to existing residences • Net revenue to City = approximately $3,000,000 less value of raw land (approximately $1,800,000 to $2,250,000) and staff time required to prepare plans **Net revenue to City of approximately $750,000 to $1,200,000**	• Loss of area for open space and as possible location for interpretive centre and/or restaurant • Soft services required (police, fire protection, schools, libraries)
	Watermain extension must be looped	$470,000			
2C*	Install sanitary sewers	$822,000- $1,280,000			
	Install storm sewers	$400,000			
	Sale of approixmately 108 City owned single family lots		$7,535,000 (gross revenue)		
	TOTAL	**$4,520,000 (City) (Estimated at (60% of gross revenue)**	**$7,535,000 (gross revenue) (City)**		

* For more detailed description, see Section 3

Appendix 1 - Terms of Reference

MODIFIED NEIGHBOURHOOD PLAN REVIEW

ALBION FALLS NEIGHBOURHOOD

BACKGROUND:

Location:

The Albion Falls neighbourhood is located on the east mountain between the Escarpment, Stoney Creek boundary, Stone Church Road east, and the CNR rail line. However, the area subject to the modified Neighbourhood Plan Review is only a portion of the Neighbourhood. The subject lands are bounded by the escarpment, Pritchard and Arbour Roads and the Expressway alignment.

Existing Land Uses:

There are approximately 17 single-family dwellings in the area, as well as other vacant lands. They are currently unserviced; water, subsidized by the City, is trucked in the and sewage disposal system is through the use of septic tanks.

There are a number of land owners within the area including the Region, City, Board of Education and private persons.

Purpose of the Study:

A request has been made by the Ward 6 Aldermen to undertake a modified Neighbourhood Plan review. The impetus behind the request is a result of a few factors:

- the delay in the implementation of the open space acquisition;
- the delay in the development of the subdivision on the north side of Mud street adjacent to the City of Stoney Creek boundary for offsetting the cost of purchasing the open space lands;
- a request by an owner for the City to purchase her lands; and,
- a request by area residents to have the lands serviced.

Planning Policies:

1) Official Plan

The subject lands are designated OPEN SPACE. The primary use permitted in OPEN SPACE are undeveloped and developed parks; parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses; horticultural nurseries, forestry and wildlife management areas and hazard lands.

2) Neighbourhood Plan

The Albion Falls Neighbourhood Plan was approved by City Council in 1982. The "Open Space" designation on the Plan is consistent with the Official Plan. There were a number of reasons for this designation are as follows:

- this area would be isolated when the expressway was constructed;
- it would also serve as a noise buffer between the freeway and residential lands to the north;
- the lack of municipal services;
- it was a logical extension of the valley;
- its proximity to the escarpment; and,
- these lands provided a link between the Kings Forest area and the open space west of Arbour Road, emphasizing continuous pedestrian trails and providing active and passive recreation.

This area is earmarked as a potential site for a restaurant in the Neighbourhood Plan.

3) Development Control (Niagara Escarpment)

Some of the lands are under the jurisdiction of the Niagara Escarpment Commission. In this regard, any development would require a permit from the NEC.

4) Zoning By-law No. 6593

The remaining lands are under the jurisdiction of the City of Hamilton's Zoning By-law. The lands are zoned "AA" (Agricultural) District. The permitted uses include: single-family dwellings (minimum lot size); school, day nursery, hospital, farming, etc.

MODIFIED NEIGHBOURHOOD PLAN REVIEW:

The Review is limited in scope because of the land use options that are to be considered. From a planning perspective, two possible land use options will be examined:

1) the retention of the existing OPEN SPACE designations; or

2) the use of these lands for residential purposes either by recognizing existing uses and/or allowing additional residential uses.

Because of the limited number of issues to deal with, a citizen advisory committee is not warranted. However, once a report on the land use is available and if changes to the Plans are desirable, it will be discussed with the area residents and other departments and agencies.

Notwithstanding the two land use options, a cost benefit analysis of the most viable land use option will be undertaken. The analysis would include:

- the purchase of these lots with the monies being advanced through the future sale of the residential lots in the proposed subdivision on Mud Street and the time frames for sale of the lots;
- the cost of purchasing the homes with and without servicing;
- the cost of purchasing publically owned lands;
- the cost of servicing; and,
- the Province's direction vis a vis the funding of an interpretative centre and the disposition of the valley.

a) Staffing and Timing

The variety of factors to be considered with in the context of the review will require the assistance of the Treasury, Property, Freeway Office, Health, and Environmental Services Departments. The majority of the work will be completed by the Planning and Development department.

Director of Local Planning	1 day
Division Head, Policy and Neighbourhood Planning	2 days
Planner	15 days
Cartographic Technician	5 days
TOTAL	23 days (elapsed time)

APPENDIX "A" gives an overview of the timing and the process. It should be noted that if this project is to be completed in 1994, it can be accommodated within the time allocated for demand responsive projects.

JHE
albion.np

Appendix 2 - Planning History

Official Plan

Prior to 1982, the City of Hamilton Official Plan designated most of this area for residential purposes with a strip bordering the escarpment for recreational, civic and cultural uses. The Neighbourhood Plan, adopted in 1982, established the area as open space. The concept of open space had previously been established in the 1970 Draft Official Plan Open Space Report which showed the area as open space and stated:

> Albion Falls and the King's Forest Gorge should be developed as one of the main focal points along the Bruce Trail System...
>
> At the Falls, provisions should be made for a pedestrian walk free from vehicular traffic. Such a walkway may be a suspension bridge spanning the gorge.

Neighbourhood Plan

January 1981

A long term proposal was developed by the City Planning and Development Department to utilize this area as open space to provide a natural extension to the RedHill Valley and a link between the Valley and the open space west of Arbour Road owned by the Conservation Authority. This link would emphasize continuous pedestrian trails and provide active and passive recreation opportunities. With construction of the Freeway, the residential area would become isolated. It was also proposed that Mountain Brow Boulevard not be connected with Mud Street so as to eliminate traffic into the most attractive part of Albion Falls and to avoid road improvements in the Albion Falls area. The properties in private ownership would then be acquired, in phases, over time. Funds for the acquisition of the open space were earmarked from three sources:

1. Sale of City owned lands (subdivision) to the east of this area on Mud Street;
2. The 5% park dedication acquisition fund and/or the park acquisition fund;
3. Transfer of funds normally required to provide urban services by the municipality.

March 1981

Planning and Development Committee held a public meeting on the Albion Falls Neighbourhood Plan. Several submissions were received and there were no major objections to the principle of an open space designation for this area. However, some of the major concerns voiced at the public meeting and in submissions included the lack of engineering services, uncertainty regarding future use, poor maintenance of properties, and depreciation of property values

November 1981

Regional, municipal and other public agencies responded favourably to the proposal for open space. The Planning and Development Department report noted that acquisition policies and financing should be tied into the Neighbourhood Plan. It was recommended that the City owned land to the east on Mud Street be sold as soon as possible with proceeds going to the purchase of properties in the Albion Falls acquisition area and that the report be forwarded to the Parks and Recreation Committee to tie in funding for additional acquisitions.

January 1982

City Council adopted the Albion Falls Neighbourhood Plan.

March 1982

The Planning and Development Committee considered a report from the Planning and Development Department recommending that the current policies for acquisition in the Albion Falls Neighbourhood be retained. The Committee deferred action on this item until more information could be obtained from the Real Estate Department.

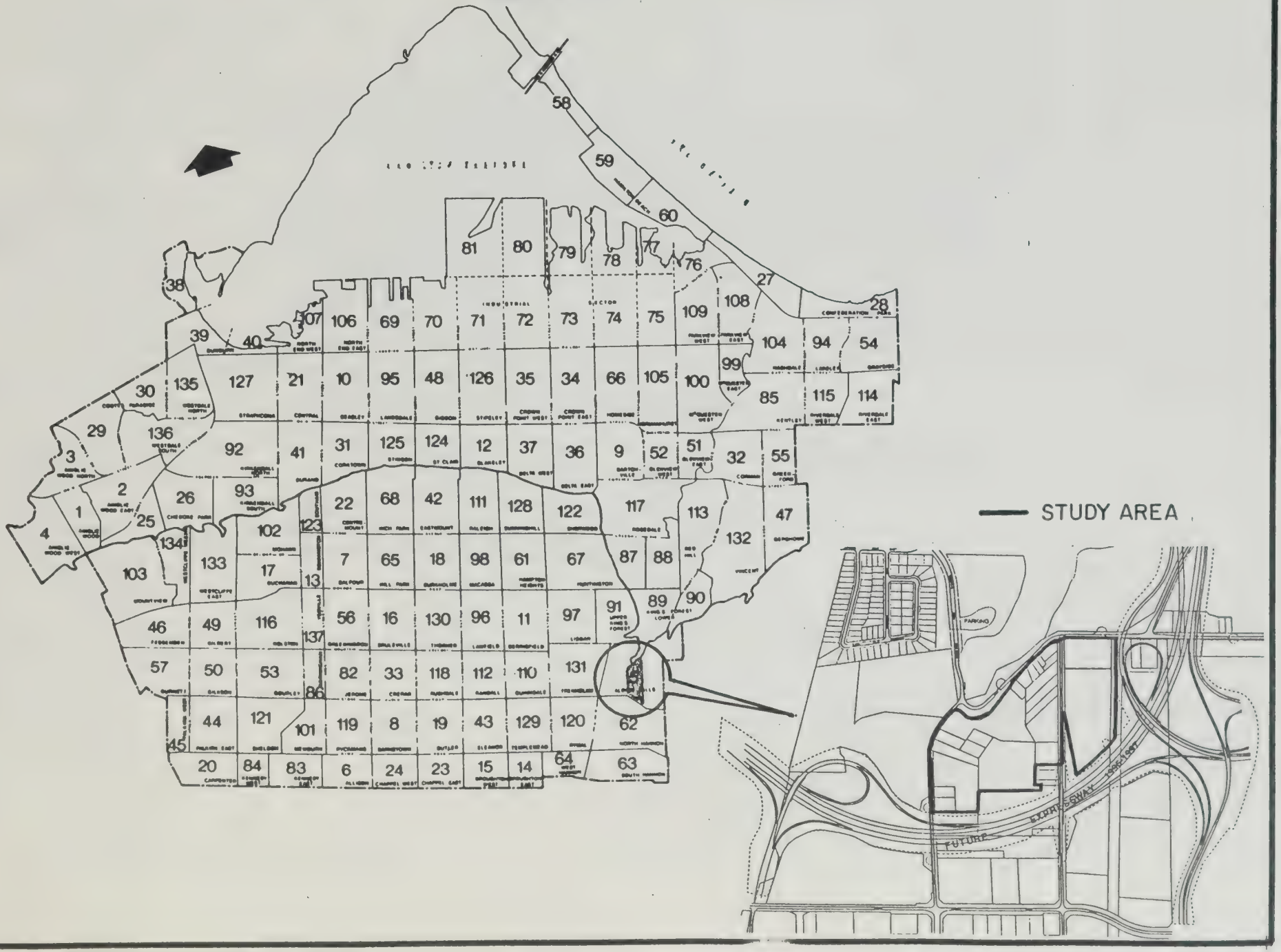
May 1982

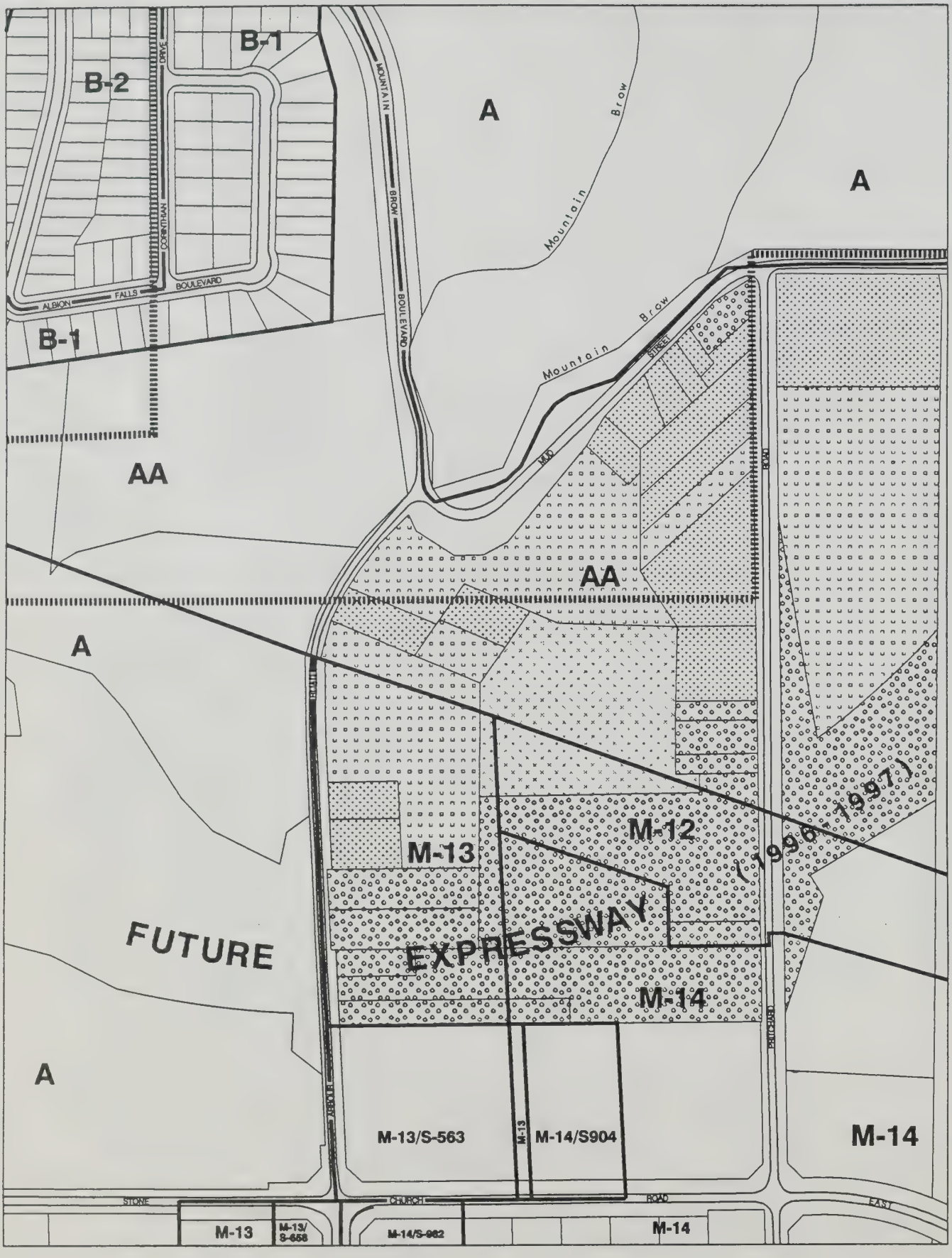
The Real Estate Department notified the Committee that the acquisition of all properties in the designated area amounts to $1,800,000. Following a general discussion, the Committee agreed to accept the recommendation of the Planning and Department that the current acquisition policies be retained.

MAPS

City of Hamilton

Neighbourhood Location
MAP 1





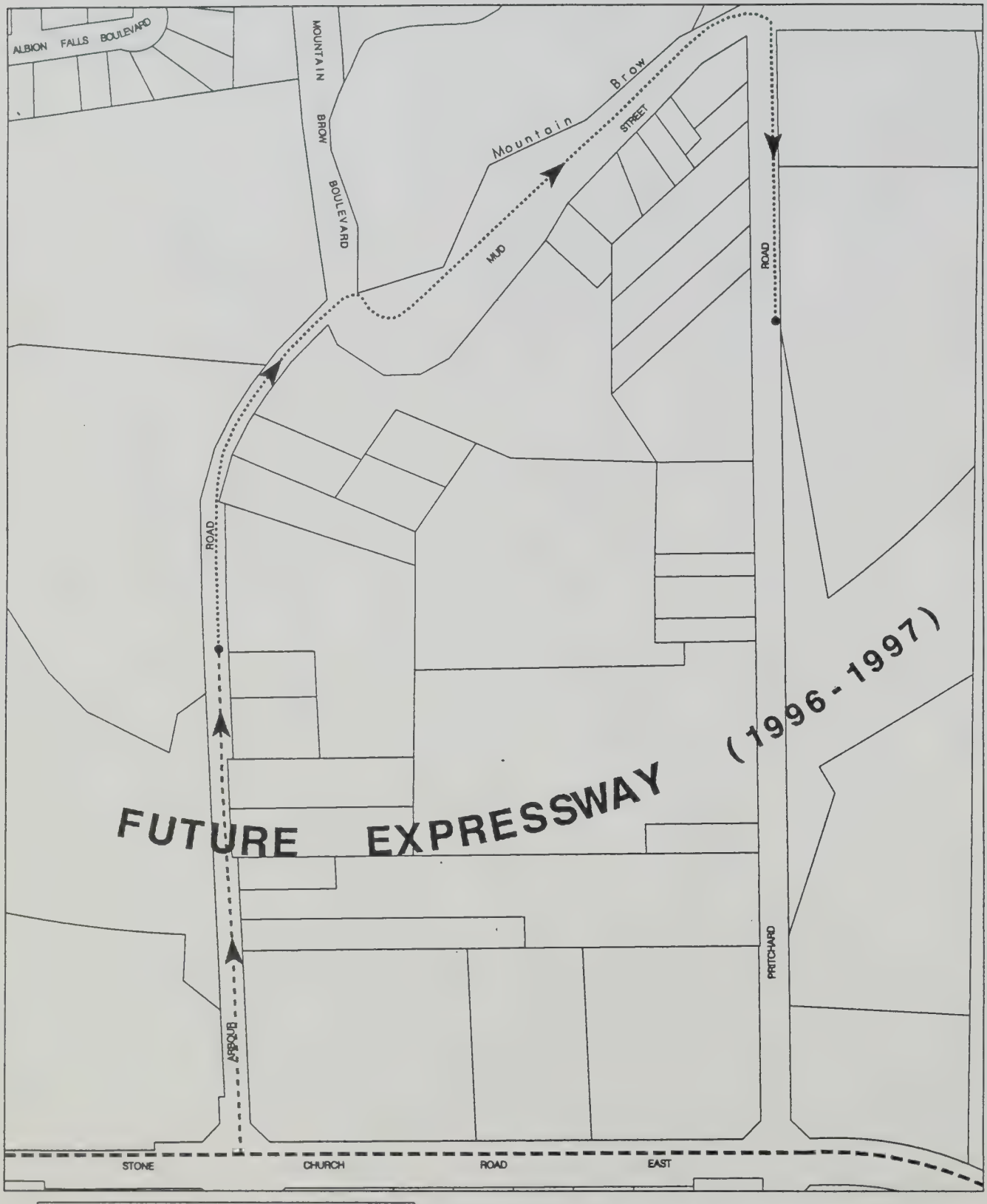
Land Use Regulations and Ownership (MAP 2)

- City of Hamilton
- Regional Municipality of Hamilton-Wentworth
- Hamilton Board of Education
- Private Ownership
- Zoning Boundary
- N.E.C. Development Control Area

NORTH

50 0 50 100 150 200 metres


Road Pattern
for Open Space
(MAP 3)
Proposed Road Closure
Proposed Overpass
Red Hill Creek Expressway
Construction Stage
1996-1997
NORTH
50 0 50 100 150 200 metres
PARKING
FUTURE
EXPRESSWAY
1996-1997

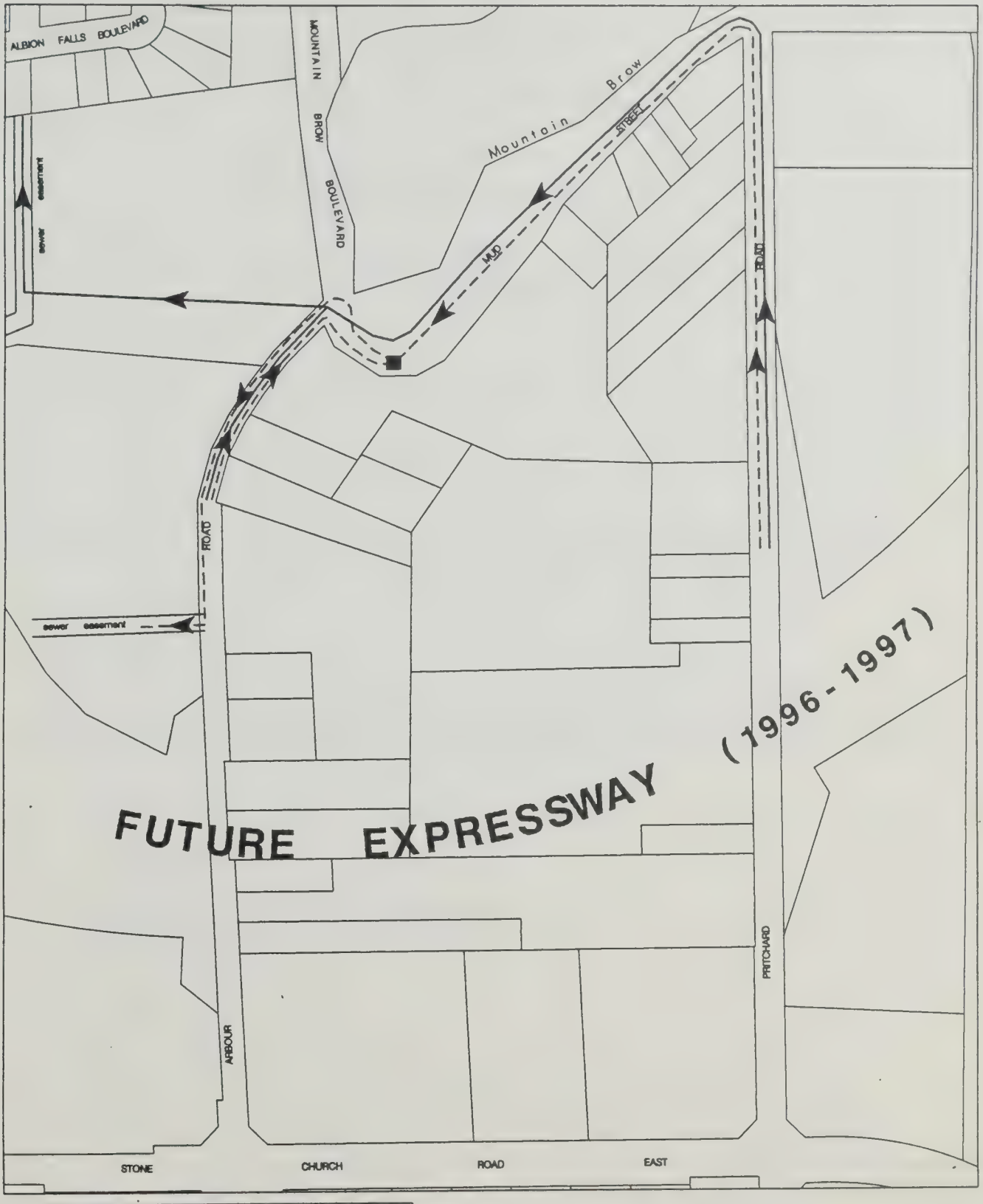


Servicing: Water Mains
(MAP 4a)

- 400 mm existing water
- 200 mm existing water
- 200 mm proposed water

NORTH

50 0 50 100 150 200 metres



Servicing: Sewer Pipelines (MAP 4b)

- pumping station
- sewer option 1: gravity system
- sewer option 2: gravity / pumped system

NORTH

50 0 50 100 150 200 metres

1 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 15
DA-94-25 (ZA-93-41)
Corktown Neighbourhood

REPORT TO: Stella Glover, Secretary
of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Site Plan Control Application DA-94-25 for a 14 unit condominium apartment complex at 152 Catharine Street South.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-94-25, by Buckingham York Limited, owner of lands known as 152 Catharine Street South as shown on the attached map, for a 14 unit condominium apartment complex, subject to the following:

i) modification to plans in relation to notes, dimensions, curb locations, as marked in red on the plans;

ii) deletion of the designated garage/parking space for Unit #9 at the base of the ramp with the Details of Development adjusted accordingly;

iii) approval by the Committee of Adjustment for the following variances:

a) to permit a front yard of 1.2m instead of the required 3.16m;
b) to permit a rear yard of 1.5m instead of the required 1.66m;
c) to permit a northerly side yard of 1.5m instead of the required 1.93m;
d) to permit a southerly side yard of 1.0m instead of the required 3.43m;
e) to permit roofed over porches to encroach into the required yards on Catharine Street and Young Street to be as close as 0.9m from the street lines instead of the required 1.5m and 3.43m;
f) to permit balconies to encroach into the required yards on Catharine Street and Young Street to be as close as 0.9m from the street lines instead of the required 2.16m and 2.43m;

g) to permit a total of 13 parking spaces with no internal visitor parking spaces instead of the required 12 spaces which would include 3 visitor parking spaces;
h) to permit a landscape area of 27% of the lot area (340 m^2) instead of the required 40% of the lot area (505 m^2) ;
i) deletion of the required one loading space;

iv) submission of a revised site plan to identify the card reader control for access into the site to the satisfaction of the Director of Traffic Services;

v) submission of a revised grading plan to the satisfaction of the Director of Development, Roads Department; and,

vi) provision of the removal costs of approximately $1,600.00, for the existing tree on the Catharine Street South road allowance to the satisfaction of the Director of Public Works.



BACKGROUND:

Plans have been submitted for a 14 unit condominium apartment complex at 152 Catharine Street South as shown on the attached map. The individual units face Catharine Street South and Young Street with access to a parking area and garages from Young Street. Landscape plantings are provided along the street frontage and a small planted area is internal to the site.

The details of the development are as follows:

•	Net Lot Area	-	1,262.5 m^2
•	Gross Floor Area	-	2,113.48 m^2
•	Number of Units	-	14
•	Building Height	-	12.19m (40') , Three Storeys
•	No. of Parking Spaces Proposed	-	14

- Landscape Area Proposed - 360.41 m^2 (28.6%)

- Exterior Building Materials: primarily brick and siding.

COMMENTS RECEIVED:

The Hamilton-Wentworth Roads Department in the attached letter has indicated a revised grading plan is required to clarify a number of matters. A revised plan has been submitted and is under review.

The Building Department has advised the following:

1. Required Yards:
   - Front:(Catharine) 3.16m minimum
   - Rear:(West) 1.66m minimum
   - Side:(North) 1.93m minimum
   - Side(Young Street) 3.43m minimum

2. Gross Floor Area permitted: 2146.25m^2

3. Landscape Area required: 505.0m^2

4. Parking Spaces required: 12 minimum
   (of which 3 shall be signed for visitors only)

5. Loading Spaces required: 1 @ 3.7m x 9.0m x4.3m

6. Roofed over porches minimum 1.5m from Catharine Street and 3.43m from Young Street.

7. Balconies must not project more than 1.0m into the required front or side yards. Therefore, the balconies must be at least 2.16m from Catharine Street South and 2.43m from Young Street.

8. Each parking space must provide a clear 2.7m x 6.0m dimension. It appears that none of the parking spaces within the garages will be of sufficient size.

The Traffic Department in the attached letter has indicated required modifications to some details of the plan which have been red-lined on the submitted plan. A revised site plan is required to clarify the details of the gate control system and the deletion of the garage/parking space for unit #9 at the base of the ramp.

The Public Works Department has indicated that the existing tree located within the Catharine Street Road allowance would be allowed to be removed since it has a damaged upper trunk area. The removal cost of the tree of approximately $1,600.00, is to be at the expense of the applicant. Other plantings within the road allowance must be to the satisfaction of the Roads and Public Works Departments.

COMMENTS:

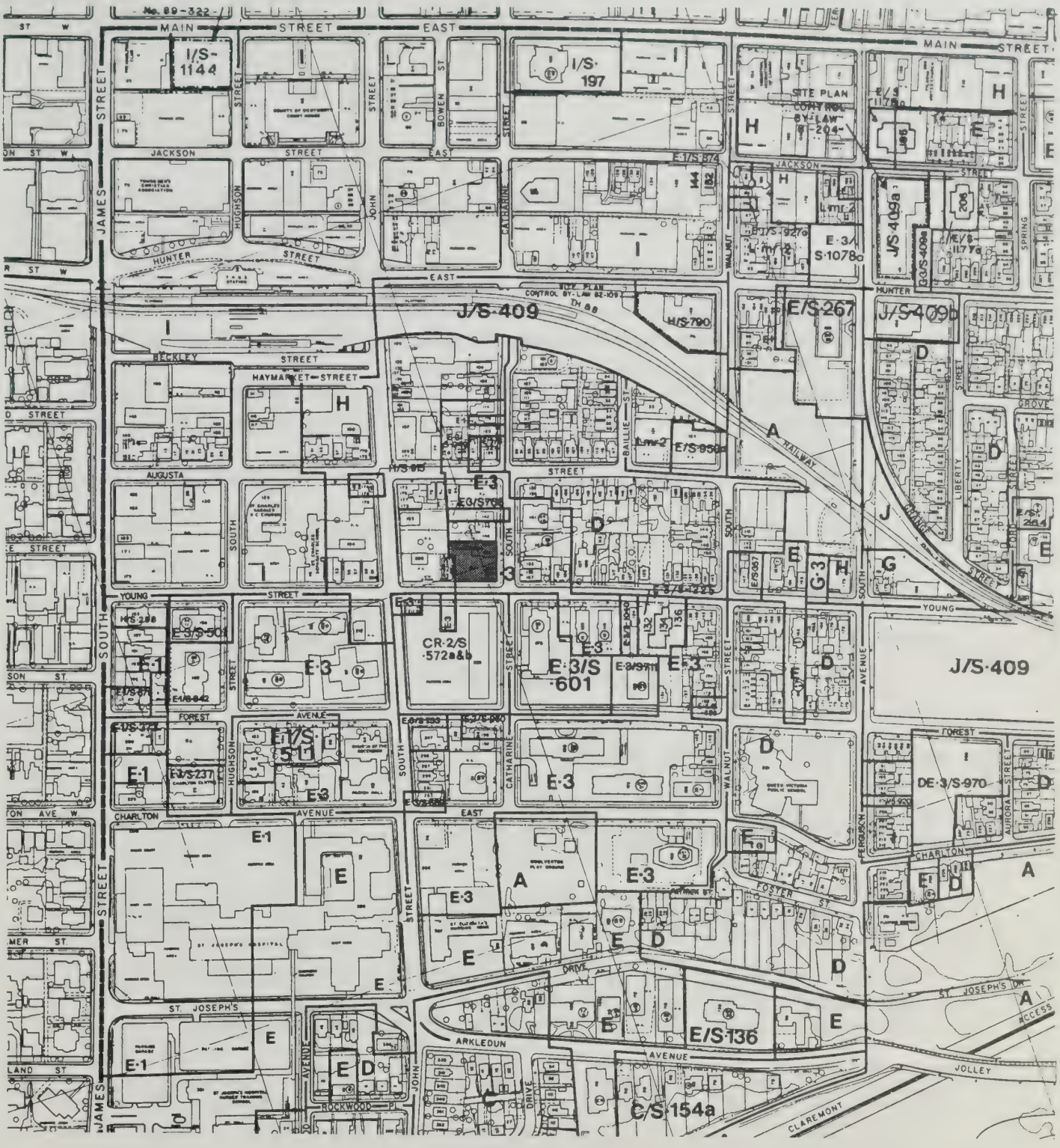
The proposed development endeavours to provide a streetscape consistent with the neighbourhood in respect to building height, scale and setback from the street. Accordingly, a number of variances are therefore necessary as outlined in the recommendations.

Various modifications are required to the plans related to dimensions and notes, as marked in red on the plans. The Landscape Plan includes a note clarifying the proposed removal of the existing tree and proposed plantings within the Catharine Street Road allowance. The cost of removal of the tree must be provided by the applicant to the Public Works Department.

The applicant has agreed to provide revised plans to address and resolve the various issues noted by the departments. However, contrary to the Traffic Department's recommendation, the applicant has noted that the parking space for unit #9 should be retained and designated for a small vehicle. As recommended by the Traffic Department, the parking space/garage for unit #9 should be deleted due to its substandard length and potential conflicts in manoeuvring to enter and exit the garage at the base of the access ramp.

The plan has therefore been red-lined with a note to provide for the deletion of the garage/parking space for unit #9 at the base of the ramp, and includes the removal of proposed railings at the entrance driveway. Clarification of the gate control for the access driveway must be provided by the applicant to the satisfaction of the Director of Traffic Services.

Jps:DA94-25.r



CORKTOWN No. 31

City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-94-25

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-94-25
	Date	Drawn By
	OCTOBER, 1994	E.C.

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No. DEC 22 1994
TO | STAFF INIT. | INFO. | ACT
DIR.
P.P. & P.
NE/SR
DEV.
E. DIV.
TO: CART. | ADMIN.

ROADS DEPARTMENT

MEMORANDUM

****

TO: J. Sakala
Senior Landscape Architect
Planning and Development Department

YOUR FILE: DA-94-25

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0307
PHONE: (416) 546-2809

SUBJECT: **Site Plan Control Application**
DA-94-25 at 150-158 Catherine St. South

DATE: 1994 December 21

The revised grading plan for the entrance ramp submitted dated received December 12, 1994 is acceptable to this department.
However, these changes to the ramp and the revisions requested in our October 19, 1994 and listed below, must be submitted to our department for approval.

(1) Please show a notation on the grading plan as to how the roof leaders are to discharge, either directly to the sewers or overland.

Should the applicant choose to discharge overland, we will require a stormwater management report prepared by a qualified engineer, showing that this development will have no negative impact on the abutting properties.

(2) We require more information in the areas where significant grade changes take place such as where retaining walls are proposed and within the access. Show a section through the retaining walls and show type.

(3) Please clearly define any swales with drainage direction arrows and a section through them.

We have these additional comments for the applicants information.

Please do not submit plans in metric and imperial measurements mixed.

Cont'd...

Site Plan Control Application DA-94-25
Nos. 150 to 158 Young Street
City of Hamilton (cont'd)

The addition of the catchbasin in front of the garage at the foot of the ramp does not seem to serve any purpose but it is not a requirement to remove it.

The design submitted for the ramp would seem to indicate the need for a safety fence in front of the storage room.

Transportation Comments

We have reviewed the above application and provide the following comments:

(1) The existing road allowance widths of Young Street and Catherine Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

(2) We require minimum 3m by 3m (prefer 5mx5m) daylight visibility triangles between the access and the Young Street street line in which the maximum height of any objects or mature vegetation is not to exceed 0.60m above the corresponding perpendicular centreline elevation of Young Street. The terms "streetline" and "property line" are synonymous and the site plan including the building/porch location must be modified accordingly to provide these triangles.

(3) Normally the elevation of the driveway at the streetline/property line should be the same as existing centreline elevation and not a 5% downslope. The maximum grade driveway grade on private property is 5% for the first 7.5m and 10% thereafter. These are standard requirements in our site plan agreements and should be maintained as much as possible.

In this particular situation, we could accommodate a -3% driveway grade within the road allowance starting from the back of sidewalk to the property line. This side slope of the driveway must be blended in and the use of retaining walls within the road allowance should be avoided. Since the grade of the road allowance is being changed, we require that the applicant enter into an paving agreement with the City of Hamilton. We could also support a reduction of the length of driveway behind the property line, at a grade of 5%, from 7.5m to 5.0m since passenger vehicles will likely only be using this access. The site and grading plans must be revised to reflect these requirements. All other driveway grades must conform to the requirements of the City of Hamilton Traffic Department.

Cont'd...

Site Plan Control Application DA94-25
Nos. 150 to 158 Young Street
City of Hamilton (cont'd)

(4) The planting of any vegetation within the road allowance, other than sod or annual flowers, requires a landscape agreement with the City of Hamilton and the approval of the City of Hamilton Public Works Department. This landscape plan should be submitted to the City of Hamilton Public Works Department for their review and comments. We recommend that this agreement be made a condition of site plan approval. Any landscaping within the road allowance, other than trees approved by the Public Works Department, must not exceed a height of 0.60m above the corresponding perpendicular elevation of the adjacent street.

(5) In the absence of any other details shown, we advise that any works within the adjacent road allowances must conform to the City of Hamilton Streets By-law.

(6) The comments in this letter are based on access requirements etc. of the City of Hamilton Traffic Department in their letter dated November 15, 1994 and a grading plan in the vicinity of the access which was faxed to this Office by Rick Lintack on November 30, 1994.

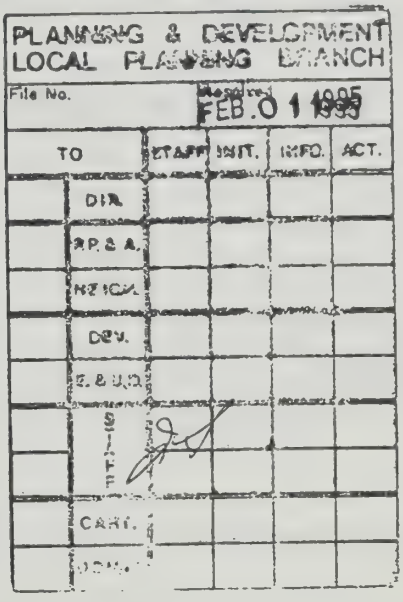
EH:

c.c. Roland Karl. Traffic Department.

TRAFFIC DEPARTMENT

City of
HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419



1994 January 23

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 94-25
150 -158 Catherine Street South

Pursuant to our meeting of 1994 December 7 regarding the above application, we are in receipt of the revised plan from R.F. Lintack and have the following comments.

1. We have reviewed the design of the access ramp to the parking area and find the proposed grades acceptable provided the ramp is heated from the property line to the bottom of the ramp.

2. We recommend that the card reader control be moved to a location on private property and design alternatives be investigated to locate the control such that vehicles are not stopped on the wrong side of the driveway to operate the control.

3. We recommend that the proposed .60 m railing on either side of the driveway be deleted within the road allowance.

4. We recommend that the plan be modified to include details regarding the type of gate control for exiting vehicles and the manner in which pedestrian access will be provided through the gate to the front of the development.

5. We cannot support the design which includes a garage located within the limits of the access ramp to the parking area. The proposed garage is located at the bottom of the section of the access ramp that has a slope of 15%. The parking space is substandard in length and vehicles attempting to access this parking space would be required to make a number of manoeuvres to enter or exit the garage while at the same time blocking the access.

6. We recommend that the landscaped area adjacent to the parking area be modified, as shown in red on the attached plan, to provide improved manoeuvring into parking spaces number 2 and 3.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

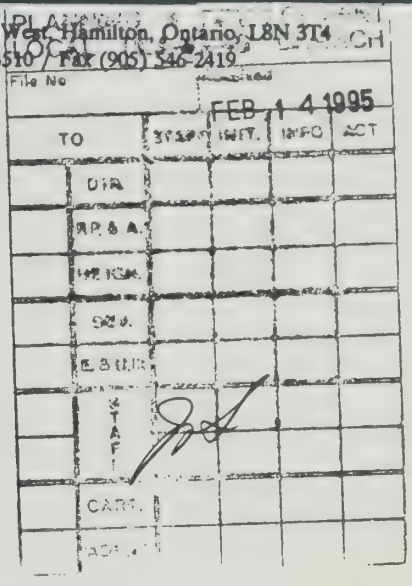
RK/BF/kg
Attach.

cc: E.P. Chajka, Manager of Development, Roads Department

TRAFFIC DEPARTMENT

City of
HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 Fax (905) 546-2419



1995 February 8

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 94-25
150-158 Catherine Street South

We are in receipt of a letter and revised plan, dated 1995 February 6, from Stan Roscoe and have the following comments.

1. The revised location of the card reader control to the centre of the driveway will effectively reduce the clear 5.5 m driveway previously provided and somewhat restrict the manoeuvring for vehicles entering the ramp to the parking area. We suggest that measures be implemented to protect the card reader from being struck by vehicles entering the driveway.

2. As previously stated in our letter of 1995 January 23, we cannot support the design which includes a garage located within the limits of the access ramp to the parking area. The proposed garage is located at the bottom of the section of the access ramp that has a slope of 15%. The parking space is substandard in length and vehicles attempting to access this parking space would be required to make a number of manoeuvres to enter or exit the garage while at the same time blocking the access.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

RK/BF/kg

cc: E.P. Chajka, Manager of Development, Roads Department

1 (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 15, 1995

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-94:243, respecting property located at No. 121 Ward Avenue.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Committee of Adjustment application A-94:243 has recently been appealed to the Ontario Municipal Board. At its meeting of January 4, 1995, the Committee accepted Planning staff's recommendation and denied the application. The application is to permit the required parking space within the required front yard; to have a length of at least 4.53m (14.87') whereas the by-law requires 6.0m (19.69'), and there will be no manoeuvring space for the parking on the lands. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

NH

2 (a)

URBACORE MANAGEMENT LIMITED

161 REBECCA STREET • HAMILTON, ONTARIO, CANADA L8R 1E
(416) 522-3328

CONSTRUCTION
ENGINEERING
PROPERTY MANAGEMENT

JAN 2 3 1995

January 23, 1995

Clerk's Department
Corp. of the City of Hamilton,
71 Main St. W.,
Hamilton, Ont.
L8N 3T4

Attn.: S. Glover,
Secretary, Planning & Development Committee

Re: **Letter of Credit**
1365 Limeridge Rd. E.
Hamilton, Ont.
DA-93-40

Dear Stella,

Under the development agreement for the above project, we were required to provide a letter of credit for $ 111,000.00 to the City of Hamilton for a number of site work items. This is as per the City's new development agreement policy.

This project is now well underway and we have completed a large portion of the site works that are covered by this letter of credit (L/C). We thus wrote to A. Zuidema of the City Solicitor's Office asking that the L/C be reduced by the amount of work completed, a total of $ 47,210.00. Mr. Zuidema advised us that under the Site Plan Agreement there can be no partial reduction of the L/C. He stated that this is as per City Council's policy.

We are thus writing to you to request that we may appear before the Planning & Development Committee to discuss this policy of no refunds or partial reductions in the L/C's for Site Plan Agreements. We feel that this policy is an unnecessary burden and expense to builders and developers and is also contrary to the City and Region's letter of credit/securities practice for other types of development. For example, partial reductions of L/C's are permitted for all subdivision work, whether at the City or Regional level.

Mr. Zuidema explained to us that Council and Staff are against partial reductions in L/C's for they are concerned that the remaining amount of the L/C would not cover the costs of completing the

We hereby request that the letter of credit be immediately reduced by the $ 47,210.00.

Should you have any questions or comments regarding the above please do not hesitate to contact our office.

Yours truly,

James Jackson, P.Eng.

822827 Ontario Inc.
c/o 161 Rebecca St.
Hamilton, Ont.
L8R 1B9

City Solicitor's Office
Corp. of the City of Hamilton,
71 Main St. W.
P.O. Box 2040
Hamilton, Ont.
L8N 3T4

Attn.: **A. Zuidema**

Re: 1365 Limeridge Rd. E.
Hamilton, Ontario

Dear Sir,

Under the site plan agreement for the above project, a letter of credit for $110,000.00 was issued to the City as security for the completion of a number of site work items. This sum was composed of the following items:

1.	Curbs and Asphalt	$52,000.00
2.	Sidewalks	7,560.00
3.	Grading	4,500.00
4.	Sod and Plantings	11,350.00
5.	Sound Fencing	5,200.00
6.	Perimeter Fencing	9,180.00
7.	Catch Basins & Conn.	6,250.00
8.	Site Services	14,960.00
	Total	$ 111,000.00

A portion of this work has now been completed. The amount of work completed is as follows:

1.	Curbs and Asphalt	$52,000.00	50 %	$ 26,000.00
2.	Sidewalks	7,560.00	0 %	
3.	Grading	4,500.00	0 %	
4.	Sod and Plantings	11,350.00	0 %	
5.	Sound Fencing	5,200.00	0 %	
6.	Perimeter Fencing	9,180.00	0 %	
7.	Catch Basins & Conn.	6,250.00	100 %	6,250.00
8.	Site Services	14,960.00	100 %	14,960.00
	Total	$ 111,000.00		**$ 47,210.00**

outstanding work should the builder decide not to finish the work. While this is a legitimate concern, the City has more than suitable protection against these extra costs. As is the practice for subdivisions, the City could request that the builder or developer have an engineer or architect certify the amount of work completed and the amount for the work yet to be completed. This would place the onus on the engineer or architect to ascertain that there are sufficient securities to complete the work. We would also suggest that the amount of the reduction be equivalent to 90% of the value of the work completed. As well, the builder should provide an affidavit that the work has been completed and the subcontractors have been paid. This would offer additional protection to the City.

The City is also protected by Clause 14(g) of the Site Plan Agreement. Simply put, this clause states that if the City feels that there is insufficient security to complete the work they can notify the Owner and the Mortgagee and have them increase the amount of security. They would also have added protection through the property tax system.

This policy of no partial reductions is also quite costly to us. Firstly, we have to cover the amount of the letter of credit. Though the amount of $ 111,000.00 may seem insignificant, it is a large amount of cash to have tied up. Secondly, we have to pay our sub-contractors for the work completed. We have now doubled the amount of money that is tied up. Thirdly, as this is a bonded project, we had to provide a performance bond and a labour and materials bond to the Owner, a portion of which bonds the site work items. We thus have to provide double security for the same site work items.

As Staff cannot go against Council policy, we are thus requesting permission to appear before the P&D Committee to explain our case, to have our L/C reduced by $ 47,210.00 and to have the "no reduction" policy reviewed and changed.

We look forward to hearing from you and the Committee. Should you have any questions please do not hesitate to contact our office.

Yours truly,

A. Di Silvestro

encl.

2 (b)

The John Calvin Hungarian Presbyterian Church

121 BIRCH AVENUE — HAMILTON, ONTARIO L8L 6H8

PASTOR
REV. CSABA BAKSA, Ph.D.

OFFICE: 525-3641
HOME: 574-68[illegible]

His Worship,
Robert M. Morrow
Mayor
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Hamilton, February 9, 1995

Re.: **Liszt Avenue**

Your Worship,

A few months have passed by since I have had the privilage of meeting with you and your committee, discussing the possibilities of nameing a street in Hamilton after the world-reknown conpatriot of mine, the composer and pianist, Franz Liszt.

I did not want to go into depth of this matter during the holiday season, knowing how busy you were and taking my schedule into consideration as well, but I think, now is the time when we can work toward our honourable goal.

I have talked it over with some of the leaders and members of the Hungarian community. The idea was received with overwhelming enthusiasm from all sides. I have asked them for some suggestions as which street they think should be the one renamed and what would be the nicest name for it?

According to the unanimous opinion of the parties interested was that we petition the City of Hamilton for the following:

1. The street that would be suitable to be renamed is Park Street since the renaming would not interfere with any personal attachment to a person or place, etc.
2. As to the name, understanding the policy of the City whereby a one-word name should be applied to a street because of the possible hardship for the ambulance service and the Police and Fire department's work, we suggest that the street should be named: "Liszt Avenue." The reason for "Avenue" is the pleasant sounding of the two words together.

The Hungarian community would very much appreciate your help in forwarding our petition for the decision of the authorities necessary in such case, or your personal decision in our request.

Sincerely Yours:

Rev. Csaba Baksa, Ph.D.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 February 22nd
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

B. **COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING**

(i) CI-91-I - Mobile Signs - Authorization for a Public Meeting.

(ii) CI-94-G - Billiard Halls - Authorization for a Public Meeting.

(iii) Request for Capital Account Closures.

C. **BUILDING COMMISSIONER**

(a) Hamilton Emergency Loan Programme (H.E.L.P.)
118 Balmoral Avenue South (95.2.4.2.1.A)

(b) Demolition Permit - 71 Rymal Rd. W. (95.1.1.A)

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 February 8
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present:

Alderman Don Drury, Chairperson
Alderman Frank D'Amico, Vice-Chairperson
Mayor Robert M. Morrow
Alderman Henry Merling
Alderman Geraldine Copps
Alderman Bob Charters
Alderman William McCulloch
Alderman Marvin Caplan
Alderman Fred Eisenberger

Also present:

Joe Pavelka, Chief Administrative Officer
Alan Ross, Treasurer
Alderman Bernie Morelli
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Willie Wong, Building Department
Len King, Building Department
Art Zuidema, Law Office
Lorne Farr, Law Office
Dan Vyce, Property Department
Eugene Chajka, Transportation/Environmental Services
Stella Glover, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 94-29, J. and C. Martin and The City of Hamilton, owners, for changes in zoning from "B" (Suburban Agriculture and Residential etc.) District to "B-2" (Suburban Residential) District, for Block "1", and to "B-2" (Suburban Residential) District, modified, for Block "2", and from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified, for Block "3", for lands located at the south-east corner of Stone Church Road East and DiCenzo Drive.**

   The Committee was in receipt of a report dated 1995 January 31 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

   The Committee was advised that of 31 notices sent, 9 responses were received in favour and none opposed.

   After discussion, the Committee approved the following:

   A. That approval be given to Zoning Application ZAC-94-29, J. and C. Martin and The City of Hamilton, owners, for changes in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, for Block "1", and to "B-2" (Suburban Residential) District, modified, for Block "2", and from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified, for Block "3", to permit development of the subject lands for seven large lot single-family dwellings, for lands located at the south-east corner of Stone Church Road East and Dicenzo Drive, as shown on the attached map, marked as Appendix "A", on the following basis:

(a) That Block "1" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District; and,

(b) That Block "2" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, modified; and,

(c) That Block "3" be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified; and,

(d) That the "B-2" (Suburban Residential) District regulations as contained in Section 8B. of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variance as a special requirement:

(i) Notwithstanding Section 8B.(4) every lot or tract of land shall have a width of at least 15.0 meters and an area of at least 430 square meters.

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1339, and that the subject lands on Zoning District Map E-9C be notated S-1339; and,

(f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That outstanding charges be paid and the 1'-0" reserve be lifted at the time of issuance of a building permit on an individual basis per lot.

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

2. The Committee was in receipt of reports dated 1995 January 31 from the Commissioner of Planning and Development and the Director of Local Planning respecting authorization for staff attendance at Ontario Municipal Board Hearings.

After consideration, the Committee approved the following:

(a) That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board Hearings, respecting properties located at 121 Ivon Avenue and 4 Bala Place (Committee of Adjustment Application No.'s A-94:214 and A-94:219, respectively).

(b) That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board Hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-94:228, respecting property located at 47 Erie Avenue.

CITY SOLICITOR

3. **By-law No. 93-167 - Building Permit Fees**

The Committee was in receipt of a report dated 1995 January 25 from the City Solicitor respecting the above-noted matter and agreed that Bill C-12 - A By-law to amend By-law No. 93-167 respecting building permit fees be enacted by City Council.

BUILDING COMMISSIONER

4. **Ontario Home Renewal Program Fund (95.2.4.2.1.A)**

The Committee was in receipt of a report dated 1995 February 2 from the Building Commissioner respecting the above-noted matter.

At this point, the Planning and Development Committee retired In Camera to discuss this matter.

Resuming in Open Session, the Committee approved the following:

(a) That the Building Commissioner be authorized and directed to maintain the Ontario Home Renewal Program (O.H.R.P.) Fund of approximately $4.8 million in a trust account, notwithstanding the request of the Ontario Minister of Housing under amended Regulation 641 of the Housing Development Act, that the City of Hamilton return, by March 1, 1995, the balance of the Ontario Home Renewal Program Trust Fund, and;

(b) That the Mayor be authorized and directed to send a letter to the Minister of Housing confirming and explaining the City's position, and;

(c) That the City Treasurer be authorized and directed, to re-invest, on 1995 March 1, the O.H.R.P. Trust Fund balance in short-term securities.

SENIOR DIRECTOR ROADS DEPARTMENT

5. **Lot Grading, Eleanor Gardens - Phase 5, Addition**

The Committee was in receipt of a report dated 1995 January 20 from the Senior Director, Roads Department respecting the above-noted matter.

Art Zuidema, Law Department provided clarification with regard to letters which had been sent to property owners. Of 8 letters sent, only one response was received and the respondent had subsequently sold the property. Therefore, a registered letter had been sent to the current owners to which there had been no response received to-date.

After consideration, the Committee approved the following:

That the City of Hamilton Accept the lot grading of Lots 1 to 8 inclusive, Eleanor Gardens - Phase 5, Addition, Plan No. 62M-435 and that the subdivider, Amerigo and Anna Cocco, be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Eleanor Gardens - Phase 5, Addition, with respect to the lot grading of Lots 1 to 8 inclusive.

CORRESPONDENCE

6. No correspondence was received at this time.

CONSENT AGENDA

7. A. ADOPTION OF MINUTES

The Committee was in receipt of the Minutes of the Planning and Development Committee dated 1995 January 25 which were adopted as circulated.

B. DIRECTOR OF PROPERTY

(i) **Release of Building Covenants, City Sale to Dan Slavich 2673 Barton Street East, Hamilton, Lot 1 and Part of Lot 5, Plan 1397 Grayside Industrial Estate No. 2, Construction Covenants as Contained in City Deed 198885 A.B.**

The Committee was in receipt of a report dated 1995 January 25 from the Director of Property respecting the above-noted matter and approved the following:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 2673 Barton Street East, Hamilton, from the construction covenants to the City as contained in City Deed 198885 A.B. registered on 1971 March 18.

(ii) **Hamilton Rail Station, commuter Parking - Go Transit, Strachan Street East - Lease Renewal**

The Committee was in receipt of a report dated 1995 January 26 from the Director of Property respecting the above-noted matter and approved the following:

(a) That the City of Hamilton renew the lease with the Toronto Area Transit Operating Authority which expired on 1994 July 31, respecting the use of City owned land located on Strachan Street East and James Street North; and,

(b) That the new term be for a period of two (2) years commencing 1994 August 1 and expiring 1996 July 31 at a rental rate of $11,129.58 per year plus realty taxes with monthly payments of $927.47 due on the first (1st) day of each month and proceeds be credited to Account No. CH 44104 31106 (Rental Civic Property - Civic Properties Rented); and,

(c) That in the event the premises are not required for the Industrial Perimeter Road Project, consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree; and,

(d) That the lease renewal be in a form satisfactory to the City Solicitor; and,

(e) That the Mayor and City Clerk be authorized and directed to execute the renewal agreement.

C. BUILDING COMMISSIONER

(i) **Demolition of 158 Rymal Road West**

The Committee was in receipt of a report dated 1995 January 27 from the Building Commissioner respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 158 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) **Demolition of 382 Sherman Avenue North**

The Committee was in receipt of a report dated 1995 January 27 from the Building Commissioner respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 382 Sherman Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1995 February 2 from the Secretary of the Planning and Development Committee respecting various information items which previously had been distributed to Committee Members.

The Committee approved the following:

That the following information items that had previously been forwarded to Members of the Committee under separate cover be received for information purposes.

(a) Local Architectural Conservation Advisory Committee Minutes - 1994 November 7 and December 5.

(b) Niagara Escarpment Commission re Removal of Lands Under Development Control - Albion Falls Neighbourhood.

(c) Information Report from the Commissioner of Planning and Development and the Director of Local Planning re Approved Site Plan Control Application.

(d) Information Report from the Commissioner of Planning and Development and the Director of Local Planning re APA/CIP Conference - April 8 to 12, 1995.

The Committee agreed that the Chairperson of the Planning and Development Committee or his designate be authorized to attend the APA/CIP Conference to be held in Toronto from April 8 to April 12, 1995.

TASK FORCE TO REVIEW THE SUB-COMMITTEE STRUCTURE

8. The Committee was in receipt of a report dated 1995 January 30 from the Secretary, of the Task Force to review the Sub-Committee structure respecting the above-noted matter.

Alderman McCulloch addressed the recommendations of the report and after discussion the Committee approved the following:

Sub-Committees Reporting to the Planning and Development Committee

A. (a) **Urban Design Committee**

(i) That the Urban Design Committee be disbanded; and,

(ii) Its functions become part of the CAPIC mandate and that its area of concern be broadened to include the entire City.

(b) **Central Area Plan Implementation Committee (C.A.P.I.C.)**

(i) That the Central Area Plan Implementation Committee continue; and,

(ii) That it take over the various functions of the Urban Design Committee.

(c) **Business Land Use Advisory Board**

That the Business Land Use Advisory Board be disbanded

(d) **B.I.A. and Business Association Co-Ordinating Committee**

That the Downtown Action Plan Co-Ordinating Committee continue as a Sub-Committee of the Planning and Development Committee but be renamed the B.I.A. and Business Association Co-ordinating Committee

(e) **Local Architectural Conservation Advisory Committee (L.A.C.A.C.)**

(i) That the Local Architectural Conservation Advisory Committee continue as a Sub-Committee of the Planning and Development Committee; and,

(ii) That L.A.C.A.C. and the Planning and Development Department staff, review the mandate, name and staff support of its Research Sub-Sub Committee.

(f) **Central/Beasley Neighbourhood Plan Review Team**

That the Central/Beasley Neighbourhood Plan Review Team be considered a Task-oriented group, and that the following guidelines be applied:

(i) Members are appointed per Council approved process

(ii) The terms of reference clearly define the task

(iii) The terms of reference, and appointment of members, clearly define the completion date and disbanding date

(iv) Notes, not minutes, are taken at the meetings. The notes will reflect the conclusions reached during the discussion of each Agenda item

(v) In accordance with Council policy, members will receive a Certificate of Appreciation at the conclusion of the task.

Note: These same guidelines will apply to all future Task-oriented groups.

(g) **Durand Neighbourhood Plan Implementation Committee**

That the Durand Neighbourhood Plan Implementation Committee be disbanded as a Sub-Committee of the Planning and Development Committee

Note: The Committee has completed and fulfilled its mandate. It is now functioning well on its own in dealing with neighbourhood planning issues and services in the Neighbourhood.

(h) **Beach Neighbourhood Plan Implementation Committee**

(i) That the Beach Neighbourhood Plan Implementation Committee be considered a Task-oriented group; and,

(ii) That the Committee meet twice yearly or at the call of the Chair.

(i) **Kirkendall/Chedoke Neighbourhood Plan Implementation Committee**

That the Kirkendall/Chedoke Neighbourhood Plan Implementation Committee be disbanded

(j) **Ferguson Avenue Redevelopment Team**

That upon completion of the Ferguson Avenue Master Plan, the Ferguson Avenue Redevelopment Team be disbanded

(k) **CN Station Citizens Advisory Committee**

That the CN Station Citizens Advisory Committee be considered as a Task-oriented Committee

(l) **Central/Beasley PRIDE H.INT. Citizens Advisory Committee**

That upon completion of the Programme, the Central/Beasley PRIDE H.INT. Citizens Advisory Committee be disbanded

(m) **GO Transit Advisory Committee**

(i) That the GO Transit Advisory Committee be task oriented.

B. That the Sub-Committees of the Planning and Development Committee be reviewed at the beginning of each new Term of Council.

9. **OTHER BUSINESS**

Taco Bell Site - 460 Main Street West and the Adjacent East/West Public Alley

The Committee was in receipt of a report dated 1995 February 3 from the City Solicitor respecting the above-noted matter and approved the following:

That Mr. Michael Tucker be provided with the following written response to his request for a control access gate.

"Having had the benefit of legal advise, we wish to inform you that the Planning and Development Committee have decided to not put a control access gate in the east/west city owned alley adjacent to your property to regulate access to the alley from the Taco Bell site at 460 Main Street West."

10. **ADJOURNMENT**

There being no further business the meeting then adjourned.

Taken as read and approved

Alderman Don Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary

/br
1995 February 8

B (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 15
CI-91-I

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Mobile Signs

SECOND REPORT

RECOMMENDATION:

1. That the Planning and Development Committee direct staff to schedule a Public Meeting to consider a draft by-law regulating mobile signs, and that the appropriate public notice be given in accordance with the requirements of the Municipal Act; and,

2. That the City Solicitor be directed to prepare a draft by-law regulating mobile signs, based on the "preferred option", in consultation with the Building and Planning Departments.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Litigation in Other Municipalities

The Cities of Stoney Creek, Burlington and Vaughan have all passed legislation regulating mobile signs and have been or are currently being challenged in the Courts.

In Stoney Creek, the Courts dismissed the appeal filed against a sign by-law which also regulated mobile signs, in late November, 1993. The Court held that the by-law was not an absolute prohibition on mobile signs.

The City of Burlington, prior to 1993, only permitted mobile signs on service stations and then only under certain circumstances. In November 1993, the City passed a less restrictive by-law to regulate mobile signs on private property. That by-law was appealed by a local mobile sign leasing operator on the basis of the following objections:

- placing time limits on the use of the signs;
- restricting the number of signs which can be used;
- preventing illumination of the signs; and,
- sign messages to refer only to the property to which the sign applies.

In December 1994, the Divisional Court upheld the City's by-law. This decision is being appealed to the Supreme Court by a local mobile sign operator.

The City has been awaiting the outcome of Burlington's recent litigation given that it establishes the most recent precedent on such legislation. Since the Divisional Court ruling has now been made, it is appropriate for the City to reconsider the matter of regulating mobile signs on private property.

Public Information Meeting

A Public Information Meeting to consider the regulation of mobile signs on private property was held on June 23, 1993. Approximately twelve people, representing mobile sign operators and the general public, attended the meeting. In addition, six written submissions were received. Comments and concerns include:

- proactive enforcement was preferable to passing a new by-law;
- support and non-support for a by-law regulating mobile signs;

- support a radial separation distance between mobile signs;
- mobile signs are an inexpensive form a advertising for small businesses;
- pedestrian and vehicular safety as signs block motorists views of the sidewalk and on coming traffic;
- too many project a poor image of the City; and,
- regulations should include charging a fee, maximum size, no flashing lights, standardized colour scheme.

Submissions from Mobile Sign Operators

Staff have met with representatives of the Canadian Mobile Sign Association and the Hamilton Wentworth & District Mobile Sign Association.

The Canadian Mobile Sign Association had the following comments:

- mobile signs should be regulated with respect to safety, appearance and distances (between other mobile signs, property lines and ground signs);
- mobile sign operators should be licensed;
- time limits should not be overly restrictive; and,
- operators were concerned with image.

The Hamilton Wentworth & District Mobile Sign Association had the following comments:

- opposed to: permits and fees as they will burden the operators and will be perceived as a tax. There should be no time limits for sign placement. There should be no limit to the number of signs permitted per lot or property. On this basis, the industry should be self regulating;
- mobile signs should be placed a minimum of 20 feet between each other and should be permitted on municipal property;
- mobile signs should not be permitted in residential areas (except for short term special events, charities, etc.);

- mobile signs not exceeding 16 square feet should be permitted in the downtown as long as they are not a hazard to pedestrian traffic; and,

- the message on both sides of the sign should apply to the property on which it is placed.

MAJOR ISSUES

Licensing Mobile Sign Operators

A number of municipalities license mobile sign operators including; London; Mississauga; Kitchener; Milton; Oakville; Thunder Bay; and, Guelph, amongst others. There are several advantages to licensing mobile sign operators:

- to control those companies whose business is leasing mobile signs. If the leasing company is not licensed by the municipality, it cannot lease mobile signs therein . In this regard, licensing is effective in controlling mobile sign operators. Licensing is seen as an important component in the successful administration and enforcement of mobile sign regulations; and,

- licensing may be a means to establish non-conformity with a by-law passed to regulate mobile signs.

Disadvantages to licensing mobile sign operators include:

- in Burlington's experience proactive enforcement of the sign by-law can have short-term or immediate results when there is a contravention to the by-law. The revocation of a business license and the appeal process had the potential to be lengthy and costly;

- the Municipal Act does not require users of privately-owned mobile signs to be licensed. On this basis, there is an inequity related to the licensing of business operators. In Mississauga, there is one set of regulations if you are a licensed operator and a more restrictive set of regulations if you are a private owner. If the industry was to operate on a market/demand format, as suggested by one of the mobile sign associations, then the licensed operators would not have to apply for permits and be subject to the specific time periods, whereas the privately-owned mobile sign users would have to comply with the regulations; and,

- licensing means the permits fees will have to be reduced and therefore cost recoveries for administration of permits and enforcement cannot be met. The City of Burlington's experience is that cost recoveries can be made without licensing.

Based on the above, it may be appropriate that if the City passes a by-law to regulate mobile signs under the Municipal Act, that it not pass a by-law to license operators at the same time. Staff could monitor the by-law and report back in one year's time on the cost effectiveness of the by-law regulating mobile signs, and the need to license mobile sign operators.

Enforcement

Many of the municipalities surveyed identified "enforcement" as a central theme in talking about mobile signs. Specifically, **proactive enforcement** was seen as the strongest factor in an effective by-law regulating mobile signs. Ottawa enacted proactive enforcement of its existing by-law as an alternative to total prohibition of mobile signs. This was effective until enforcement staff was reduced due to budget constraints, resulting in many new illegal signs appearing.

The City and Region enforce the regulations affecting mobile signs (ie. By-law No. 6593 for signs without wheels, and the respective Streets By-laws for signs on the road allowance) on a complaint basis or for safety reasons only. Proactive enforcement of existing by-laws, or any new regulations with respect to mobile signs, will likely require additional costs for manpower and equipment.

Legal Non-Compliance

The Municipal Act allows for the recognition of signs that are lawfully erected on the day before a sign by-law comes into effect. These signs are non-conforming. The difficulty in enforcement of any sign by-law is knowing which signs are non-conforming. One way to deal with non-compliance is to first regulate mobile sign operators. In this regard, a regulatory system could determine the status quo or non-conformity permitted before any regulatory by-law concerning mobile signs was passed. In turn, once a mobile sign by-law was passed, the City would be able to determine on a case by case basis, whether a particular sign in a particular location enjoyed non-conforming status under the by-law. This would only be applicable to those operators who are licensed with the City and not private owners.

Another means to determine non-conformity would be to inventory all the mobile signs in the City prior to passing a mobile sign by-law. The City of Stoney Creek made a complete pictorial inventory of all mobile signs in the City. By doing this they created a record of all signs in the City, and where they were located on the property should the question of conformity arise. The inventory took one person two weeks to complete. Each new sign with a permit is added to the inventory. The City of London also took a pictorial inventory in some portions of the City. In addition however, they undertook an inventory on video tape. They found this exercise very useful in determining legal non-conformity with the new sign by-law. It took two people two weeks to complete. Considering the size of Hamilton and the number of mobile signs a photo or video inventory could be expensive.

Another consideration used by both London and Burlington was to give mobile sign operators a "grace" period to comply with the new by-law before enforcement commenced: seven months for London; and, 90 days for Burlington. This "grace" period was duly advertised in local newspapers and discussed with the business community and mobile signs operators to ensure there would be no one who could claim they were not aware of the new regulations.

PREFERRED APPROACH

A survey undertaken previously of other municipalities indicated various ways in which mobile signs could be regulated by the City, ranging from total prohibition to no change from the present regulations noted previously. As a result of the previous public meeting and written submissions, several suggestions on regulating mobile signs have been received.

Accordingly, four options (see APPENDIX "B" attached) were developed for consideration. Each option was evaluated in terms of its advantages and disadvantages including an indication of financial costs and benefits, administration, aesthetics and image, safety, etc.

A "preferred option" for regulating mobile signs was developed for the purposes of public discussion. Based on the "preferred option", a by-law would be passed (under the Municipal Act) to require permits for mobile signs with the following regulations:

- **Definition** - "mobile" sign means a sign mounted on a trailer or other free standing structure which is not anchored in the ground and is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

- **Permits and Fees** - three 15 consecutive day increments based on the calendar year;

- **Location (zoning districts)** - to be permitted in commercial and industrial districts such as all the "G" Districts [except "G-3" (Public Parking Lot) District], the "H" and "HH" Districts, the "J" and "JJ" Districts, the "K" and "KK" Districts and all the "M" Districts. Mobile signs will be prohibited in the "downtown core" (as defined on Schedule "A" of Official Plan Amendment No. 66);

- **Number Permitted** - one per property;

- **On-Site Location Restrictions** - consistent yard requirements for all mobile signs regardless of zoning district (ie. 1.5 m or 3.0 m setback from property lines), a minimum setback be established where it abuts a residential property, prohibit in required parking spaces, a minimum 9.0 m setback from the intersection of two streets, and, require a minimum radial separation from another mobile sign (eg. 15 m or 50 feet);

- **Third Party Signs** - sign should refer to a use on the property and not be a third party sign;

- **Size** - maximum 6.7 m^2 (72.12 square feet); and,

- **Flashing Lights** - prohibit.

Passing a by-law to regulate mobile signs would reduce the number of signs, control their location and on-site placement, and improve the appearance and aesthetics of the streetscapes. It would alleviate many of the concerns which gave rise to the study (aesthetics, traffic hazards, conflicts with landscaping, etc.). The adoption and implementation of this option would be most effective with the proactive enforcement of the City and Region's streets by-laws.

CONCLUSION:

Based on the foregoing, it would be appropriate to direct staff to schedule a Public Meeting to consider a draft by-law regulating mobile signs, and that the appropriate public notice be given in accordance with the requirements of Section 210 s.s. 146 of the Municipal Act. Further, the City Solicitor should be directed to prepare a draft by-law regulating mobile signs, based on the "preferred option", in consultation with the Building and Planning Departments.

CLF/
CI-91-I

APPENDIX "A"

MOHAWK ANIMAL CLINIC
WAYNE L. GERRIE, D.V.M.
962 UPPER JAMES STREET
HAMILTON · ONTARIO
L9C 3A5

July 13/93

PM
CF

To Whom it May Concern:-

I would like to support City Councils efforts to control "mobile Signs" in the City.

As a business owner I have signs on either side of my Entrance & Exit to Upper James. They have been put directly against my property Line and on what I suspect is city right away.. These pause as concern re: the safety of pedestrians as cars enter or exit my premises by blocking view of sidewalk.

I am not against advertisement but I believe they should be controlled

The following are some of my thoughts.

TELEPHONE 389-2266

(2)

MOHAWK ANIMAL CLINIC

WAYNE L. GERRIE, D.V.M.

962 UPPER JAMES STREET

HAMILTON - ONTARIO

L9C 3A5

(1) Placement of signs should be with Safety in mind. eg (1) should be 15 feet minimum from any auto exits or Entrances (Driveways to Street) (2)

(2) They should be kept 15 ft from all neighbouring property lines.

(3) If mobile signs they must be on wheels or follow all rules for permanent signs.

(4) A fee for use of space on city property

(5) Size of sign should be specified (Maximum Size)

(6) No Flashing lights

(7) Possibly a standard Colour - Black on White or White on Black

Thank you for your interest

Yours truly,

Dr. W. L. Gerrie

Copies to Mayor
Aldermen Boos

AUG 03 1993

Caroline Floroff
Planning Department
City of Hamilton
71 Main St W
Hamilton On.
L8N 3T4

cf 9

Dear Ms. Floroff:

I am responding to a recent article in the Hamilton Spectator, regarding Mobile signs.

It is definitely time to regulate Mobile Signs in the Hamilton area. It is very clear that these signs do not project a good image for the city.

Many of these signs are unattractive with flashing lights, large sign faces and pose a potential traffic hazard, due to blockage of drivers sight lines.

I have enclosed a copy of the City of Guelph Mobile sign regulations as a guideline for your use. I also believe that these Mobile signs should be inspected regularly for compliance, with any proposed regulations.

While I am on the subject of Mobile

19.2.5.5.3 A mobile sign shall not be placed closer than 30 metres from another mobile sign.

19.2.5.6 Lighting

19.2.5.6.1 Sign shall be luminous when lighted.

19.2.5.6.2 Flashing lights, search lights, flashing panels, animation or movement of any kind are prohibited.

19.2.5.6.3 Electrical wires leading to a mobile sign shall be arranged so as not to interfere with pedestrian and vehicular traffic.

19.2.5.6.4 A mobile sign shall not be lighted when the establishment for which the sign advertises is not open for business.

19.2.5.7 Removal

19.2.5.7.1 If a mobile sign is erected without a permit or contrary to applicable regulations, the administrator may give notice in writing to the owner to remove the sign within 48 hours. If this notice is not adhered to or if the owner of the sign cannot be located, the administrator may have the offending sign removed.

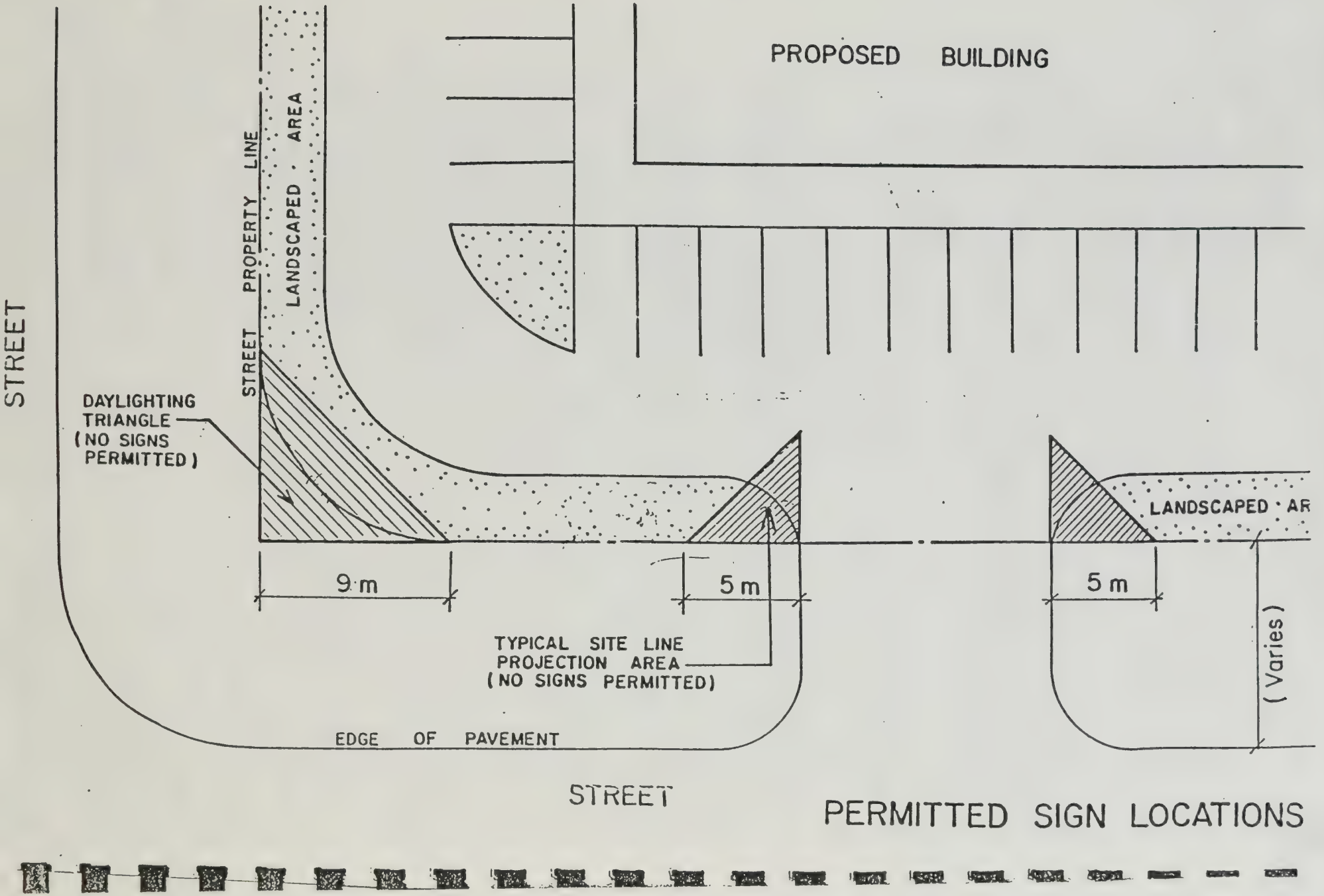
19.2.5.8 Insurance

19.2.5.8.1 Prior to issuance of a permit, and as a condition of approval of a mobile sign, the applicant shall file proof of liability insurance to a total limit of $1,000,000.00 for personal injury and property damage for any one occupancy.

19.2.5.9 Identification

19.2.5.9.1 The name of the company that owns the mobile sign and telephone number, including area code, must be affixed to an external part of the sign.

19.2.5.10 Every permit issued to allow the erection or display of a mobile sign shall be issued to the owner of such sign.

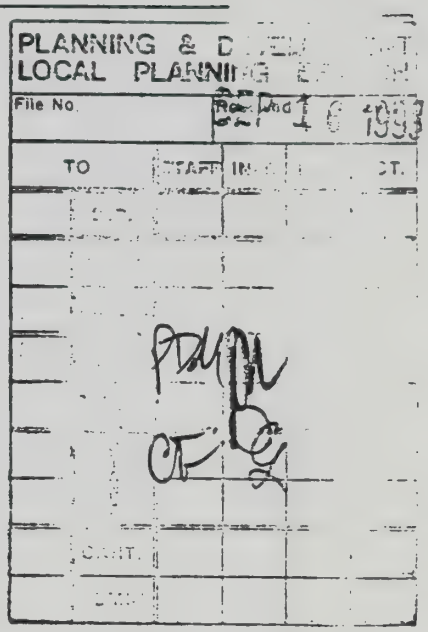


PERMITTED SIGN LOCATIONS

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION

38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

FREE ENTERPRISE WE TRUST



September 15, 1993

V. J. Abraham, M.C.I.P.
Director of Local Planning
The Regional Municipality of Hamilton-Wentworth
PLanning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re Mobile Signs

Dear Sir:

We thank you for your letter of August 3, 1993 regarding the mobile signs. We request an open hearing to the public and business sector to discuss the suggested regulations regarding mobile and portable signs.

Mr. Langadinos brought the suggested regulations, that were brought forward at the hearing of June 26, 1993, to the the attention of the members of our association. As you are aware the majority of our association members was not present at this hearing.

As mentioned by The Spectator of July 9, 1993 a dozen people attendedthe hearing including city staff. We believe that this does not represent how Hamiltonians feel about these signs. However, we have studied the suggested regulation very carefully along with the Spectator article of July 9, 1993 with the reply to the Editor by Mr. Langadinos which was published July 29, 1993. The suggestions brought forward at the hearing are too limited and we would like to discuss these along with suggestions we discussed at our own association meeting. We strongly believe that these suggestions will be able to solve the problems.

Therefore, we request that a public hearing take place after the elections of October 25, 1993, preferrably towards the middle or end of November 1993 with the newsmedia and the City Hall planning Committeepresent. This will give time to you an us to prepare.

PLease let us know in advance the date, time and location of this hearing. We thank you before hand.

Yours very truly,

Lino Nusca
President

George Langadinos
Secretary/Treasurer

CC: Don Drury, Alderman (Planning Committee)

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

FREE ENTERPRISE WE TRUST

DEVELOPMENT PLANNING BRANCH
1994

January 1994

SUGGESTED REGULATIONS FOR PORTABLE EXCHANGEABLE MESSAGE DEVICES

In accordance with section 146 of the Municipal Act we, as an association, believe that an operator must be licenced!

Licencing is imperative, because only through licencing can operators protect their businesses and the market, as other businesses e.i. taxis, contractors etc. , will help to regulate the volume (amount) of signs in the Municipality. Also, both sides of a sign must represent the location where the sign is placed. These two suggestions, representation and licencing of operators, are the crucial ingredients necessary to ensure a healthy industry, A level playing field for all operators without discrimination, regulation of the industry. An avoidance of public confusion, an advoidance of overcrowding (pollution), etc.

1) Definition - A "portable" of "mobile" exchangeable message device means a device which is mounted on a trailer or other free standing device which is not permanently installed and is designed in such a way so as to facilitate its movement from place to place. Its principle purpose is to represent the location where it is placed, and to advertise an exchangeable message. This exchangeable message must be represented on both sides of the device. This definition does not apply to "portable" or "mobile" exchangeable messages regarding advertisement for special events, charities, etc.

2) Permits & Fees - will not work, because the Municipality will discriminate and dictate our industry and our association feels that in the spirit of free enterprise our membership should assist to regulate the industry, along with the market. Permits and feeswill only be a burden on the operators, as well as the customers. Our experience shows that taxpayers will not accept permits and fees, as they deem them to be another form of taxation. To enforce permits and fees the Municipalities will have to spend taxpayers' monies. Money, which is unavailable, and again, at the taxpayers' expense. We strongly oppose permits and fees. As an association and through licencing we will regulate our industry as is our constitutional right and most importantly at no cost to the taxpayer.

3) Time Limits - The market determines on demand time limitations, as our 20 plus years of experience has taught and indicated. We are not in favour of selling or leasing these devices, only renting them.

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

4) Number permitted - If the location allows, common sense and individual rights should dictate the number of devices permitted. Recent growing concerns of overcrowding (pollution) have arisen, because in the last two years an individual sign operator is flooding public and private lands, placing devices that do not represent the location on both sides and creating public confusion. Our association suggest that if any individual wishes to purchase a portable device, that permission be given by your Department. Our association members feel that selling of portable devices in the Hamilton-Wentworth and district, should be banned. If portable devices are purchased by individuals, than the permanent sign By-Laws should apply.

5) On site location restrictions - Consistent yard requirements for a mobile device, zoning district notwithstanding, require a minimal radial separation from another mobile device of 20 feet. Advertising devices should be allowed, if spacing is available, on municipal property.

6) Location (zoning districts) - Everyone has the right to advertise in commercial or industrial locations. Devices do not belong in residential areas, excluding short term special events, charities, etc. Downtown areas have been excluded, but we feel this would discriminate against the downtown businesses. We suggest using discretion and good taste and a size not exceeding 16 sq. feet., in putting a device in requested locations that would not hazard downtown pedestrian traffic.

7) Size of device - Maximum 6.7 m^2 (72.12 sq. ft.)

8) Flashing lights - Should be prohibited

This industry is not new and has been around for over 20 years and accepted by the business and public communites as an effective, affordable advertising vehicle. We are a portable advertising message. We are defined by our purpose and our purpose is providing a commercial, free enterpirse advertising service for the business and public communities. We are effective, affordable, portable commercial messengers. Our purpose is not different to sign billboards, digital electronic signs, city buses, bus shelters, newspaper ads as well as T.V. ads.

HAMILTON WENTWORTH & DISTRICT
MOBILE SIGNS ASSOCIATION
38A Bigwin Rd., Box 55, Hamilton, Ont. L8W 3R4

FREE ENTERPRISE WE TRUST

We believe we had a healthy growingindustry for over 20 years and we are all the same operators. The industry always regulated itself in the past by the demands of the market. Growing concerns have arisen suddenly,because of the behavior of one individual operator, who arrived on the scene in the last couple of years, in an attempt to monopolize, manipulate and flood public lands with portable devices which do not represent their locations. In this situation permits and fees, time limits, number permitted, etc. will not work because the portable device will remain, only the customer and message will change. The proposals given to your department by this individual will only suit his interests and purposes. The suggestions submitted by our association, especially licencing, and that a portable device and its message must respresent its location on both sides is the only viable way to go, all operators must be licenced and in co-operation with the Municipality and our association and its members, can we ensure a level playing field for everyone. This measure will solve growing concerns at no extra cost to the taxpayers. We have the resources and facilities to regulate our industry, again at no extra cost to the taxpayer or your department. If the Municipality receives a complaint, contact our association and the problem will be resolved within 24 hours. Municipal authority and association resources will benefit everyone and is in the interest of everyone.

Yours truly,

George Langadinos
Secretary/Treasurer
Hamilton Wentworth & District
Mobile Signs Association Inc.

Mr. Dominic Agostino
Alderman - Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Agostino:

Thank-you for your letter of June 25th about the wading pool in Manson Park. I have appreciated your letters that I have received during the time I have lived here.

When I moved here five years ago I was surprised by the number of mobile, and I believed mistakenly, temporary signs along Hwy 20 near Barton Street. I think these signs look really "tacky" and give the neighbourhood a shabby appearance. Could something be done to encourage or require the various store owners who rent or own these signs to replace them with permanent signs? This would clear off the boulevards and I think improve the appearance of the area.

Thanks again for the really fine job you are doing.

Yours sincerely

David G. Moore

167 Violet Drive
Hamilton, Ontario
L8E 3J2

July 26, 1993

Ms. Caroline Floroff
Planning and Development Department
7th Floor
71 Main Street West
Hamilton, Ontario

Re: Mobile Signs Report -
Comments from Urban Design Committee

Dear Ms. Florioff:

I MOBILE SIGN REPORT

The following comments pertain to the Mobile Sign Report recently initiated by your department. They were discussed in principle at the last Urban Design Committee meeting, but have not yet been formally adopted.

The Urban Design Committee shares the Planning Department's concerns with respect to the problems associated with mobile signs, particularly with respect to safety and aesthetics. We are supportive of any attempts to regulate the misuse of these signs in the urban environment.

However, due to the fact that many small businesses rely on these signs as an inexpensive form of advertising; and, given the current state of the economy, the Committee felt that any regulatory activities should be carrried out in cooperation with concerned members of the mobile sign industry and business community.

II FUTURE CONSIDERATIONS

Any discussion of Mobile Sign regulation would be incomplete without an examination of the underlying causes for their proliferation. It appears that one cause is the strip-mall type of development which has been in evidence in Hamilton in increasing numbers over the past several years.

The removal of buildings along street frontages and their subsequent replacement with parking lots has created a lack of visibility for these storefronts from the street. Business owners who lease property in strip malls are forced to place mobile signs in the road allowances in order to achieve the visibility they require from the street.

Unfortunately, patterns created from this type of development have resulted in a weakening of the urban structure of the downtown core; as patches of suburban-type development have become interspersed with the older forms of our urban core. Qualities of pedestrian space (convenience, comfort, and accessibility) are abandoned in favour of ease of access for

automobiles, and visual access for automobile drivers.

Therefore, if the goal of the Planning Department is the eventual reduction of Mobile Signs, then it would seem logical to reconsider the continuation of a type of site development which contributes to their proliferation.

Yours sincerely,

Marianne Mokrycke
on behalf of the
Urban Design Committee

APPENDIX "B"

MOBILE SIGNS - OPTIONS

Option 1 - No Change

This option would maintain the City's existing regulations (ie. By-law No. 6593 for signs without wheels, and the City and Region Streets By-law). There would be no additional costs with this option, but the problems associated with mobile signs (eg. poor aesthetics, traffic hazards, etc.) would remain.

An alternative which could be pursued is **pro-active enforcement** of the existing regulations. The Hamilton-Wentworth Roads Department could actively remove all signs on the municipal road allowances. The City Building Department could enforce the sign regulations for all signs which have had their wheels removed from the chassis.

This would reduce the number of signs initially, and improve the appearance of the streetscape somewhat. The larger issue of aesthetics would not be dealt with on a comprehensive manner, and other matters such as permanency, traffic and safety hazards and other associated problems would still prevail. Such an initiative must be on-going to be effective. A major drawback is that it would not address mobile signs with wheels.

Option 2 - Total Prohibition

This option would totally prohibit all mobile signs anywhere in the City for any reason. The City would have to pass a by-law under the Municipal Act to prohibit mobile signs. All the present problems with mobile signs would be eliminated and the City's streetscapes would be visually more attractive. A major drawback would be costs associated with enforcement. Another concern is the question of legal non-conformity. Signs that are in place legally at the passing of a by-law under this Option, would be permitted as legal non-conforming providing they remain in the same location.

Option 3 - Permit Mobile Signs With Specific Limitations

Regulate mobile signs (under The Municipal Act) but only for specific purposes and time periods. Mobile signs could be limited for new or relocating businesses only, for a limited time period (ie. 30 days). Alternately, permit mobile signs only for: advertising a government, education, religious, etc. event or the opening of a new business. Such specific limitations are in addition to other regulations such as: setbacks from access driveways, property or street lines, etc.; maximum size; maximum number of signs permitted per property; lighting limitations; specific time periods the sign can be in place; etc.

This option could significantly reduce the number of signs and improve the visual appearance of streetscapes. The other regulations noted above, could alleviate concerns regarding traffic visibility, conflicts with landscaping, permanency, use of required parking spaces, flashing lights, etc.

Option 4 - Permit but Less Restrictive than Option 3

This Option is similar to Option 3 in that all regulations with respect to setback, location, size, time limits, etc. would be in place, however there are less strict limitations as to special purpose events and so on.

This Option will reduce the number of signs, and control their location and on-site placement. It could alleviate many of the concerns regarding mobile signs noted previously. The major drawback to this Option, is the need for proactive enforcement. To be effective in dealing with the many problems associated with mobile signs, a proactive enforcement policy must be in place.

B(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 15
CI-94-G

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Billiard Rooms in the "H" District

RECOMMENDATION:

1. That the Planning and Development Committee authorize a Public Meeting in accordance with the requirements of the Planning Act to consider the following changes to Zoning By-law No. 6593 regarding the regulation of billiard rooms:

   A) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 be modified as follows:

      (a) That Section 14.(1) be modified by adding billiard room as a permitted use subject to a minimum distance separation of 300 m from the lot line of any school. As such, the new Subsection 14.(1)(xviib) will read as follows:

      "(xviib) billiard rooms, provided that every billiard room shall be located on a lot having a minimum radial separation distance of not less than 300 m. from the lot line of any school."

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Planning and Development Committee

  Planning and Development Committee, at their meeting of November 2, 1994, directed the Planning and Development Department to report back to the Committee on the Department's planning approach and restrictions to billiard rooms.

- By-law No. 78-184

  Billiard rooms are a permitted use in the "G-1", "G-2", "HH", "I", "J", "K" and "M-13" Districts. On July 28, 1978, City Council passed By-law 78-184, which removed, among other uses, billiard rooms as a permitted use within the "H" (Community Shopping and Commercial, etc.) District as there are spill-over effects from these uses which include: noise, on-street parking, and headlight glare. This situation arises within the "H" District as "H" zoned lands front on arterial roads and abut low-density residential lands at the rear (typically single detached dwellings). Billiard rooms existing at the date of passing of By-law 78-184 were allowed to continue under the By-law. The By-law received Ontario Municipal Board approval on April 6, 1979.

- Existing Facilities

  There are 30 licensed billiard rooms in the City of Hamilton (see APPENDIX "A"). The Clerk's Department has advised that there are no outstanding complaints regarding any of the existing licensed billiard rooms. There were problems associated with one billiard room but that establishment is no longer in operation.

  The majority of the billiard rooms are located in the "H" District and 76.5% of the billiard rooms are located below the mountain. A breakdown of billiard rooms by zoning district is presented below:

District	No. of Billiard rooms	
"G-1" (Designed Shopping Centre) District	4	(13.3%)
"G-2" (Regional Shopping Centre) District	0	(0.0%)
"H" (Community Shopping and Commercial, etc.) District	13	(43.3%)
"HH" (Restricted Community Shopping and Commercial) District	3	(10.0%)
"I" (Central Business District, etc.) District	5	(16.6%)
"J" (Light and Limited Heavy Industry, etc.) District	1	(3.3%)
"K" (Heavy Industry, etc.) District	0	(0.0%)
"M-11" (Prestige Industrial) District	1	(3.3%)
"M-13" (Prestige Industrial) District	2	(6.6%)
"U" (University) District	1	(3.3%)
TOTAL	**30**	**(100.0%)**

- Zoning Applications

Between 1990 and 1994, five (5) applications for three (3) different properties were made to permit a billiard room in the "H" District. Of the five applications made, three were denied, one was approved as a temporary use and was subsequently approved by the Planning and Development Committee as a permitted use. A summary of the applications is presented below:

- Zoning Application 90-10 (314-318 Queenston Rd.)

At its meeting of March 21, 1990, the Planning and Development Committee adopted a recommendation to deny Zoning Application 90-10 for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a penny arcade and a billiard room in the basement of the existing building at 314-318 Queenston Road. City Council, at its meeting of March 27, 1990, adopted the recommendation of the Planning and Development Committee.

The applicant appealed the decision of City Council to deny ZA-90-10. On June 18, 1991, an Ontario Municipal Board (OMB) hearing was held to consider this matter at which time the Board reserved its decision. On August 9, 1991, the OMB dismissed the appeal on the grounds that, "the requested extensions of uses

to the subject site is not appropriate and does not represent good planning".

- Zoning Application 91-11 (324 Queenston Rd.)

  At its meeting of May 22, 1991, the Planning and Development Committee denied Zoning Application 91-11 for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a billiard room on the ground floor of the existing building at 324 Queenston Road. City Council, at its meeting of May 28, 1991, adopted the recommendation of the Planning and Development Committee.

- Zoning Application 91-80 (314-318 Queenston Rd.)

  At its meeting of February 5, 1992, the Planning and Development Committee denied a second zoning application to permit a billiard room in the basement of the existing building at 314-318 Queenston Road. City Council, at its meeting of February 11, 1992, adopted the recommendation of the Planning and Development Committee.

- Zoning Application 93-33 (303 York Blvd.)

  At its meeting of November 24, 1993, the Planning and Development Committee denied a zoning application for a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the second floor of the existing building at 303 York Boulevard.

  Council subsequently approved a temporary use by-law to permit a billiard room for a one year time period. The temporary use by-law was appealed to the OMB. The OMB dismissed the appeal as no concrete evidence was presented at the dismissal hearing in favour of the appeal.

- Zoning Application 94-25 (303 York Blvd.)

  At its meeting of November 24, 1993, the Planning and Development Committee approved Zoning Application 94-25 for a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the second floor of the existing building at 303 York Boulevard. The By-law was passed on 31 January, 1995 and is pending finalization.

The three zoning applications to permit a billiard room in the "H" (Community Shopping

The three zoning applications to permit a billiard room in the "H" (Community Shopping and Commercial, etc.) District were denied for the following reasons:

1. The zoning applications conflicted with the Official Plan in that adequate parking could not be provided on site and that no mitigative measures were proposed to adequately buffer the proposed billiard room use from adjacent low density residential areas.

2. Insufficient on-site parking to accommodate the proposed use. Potential for on-street parking to become a nuisance.

3. Conflicted with the intent of By-law No. 78-184 which specifically excludes billiard rooms from the "H" District due to concerns regarding nuisance factors and spill-over effects (eg loitering, noise, parking on adjacent residential streets, headlight glare).

4. The proposed billiard rooms were in close proximity to schools which could result in problems such as loitering and truancy. Given that the Zoning By-law cannot prohibit/restrict users (i.e. minors) and/or ensure proper management of such facilities, the City Licensing Division in response to zoning applications has advised that they have experienced problems such as complaints from parents and teachers about children being truant from school when billiard rooms are located in close proximity.

5. There is an adequate supply of lands within the City that are appropriately zoned to permit billiard rooms.

6. Approval would encourage other similar applications, which if approved would undermine the intent of the Zoning By-law.

7. The applications conflicted with Council adopted policy which was not to permit new billiard rooms in the "H" District.

SUMMARY OF SURVEY FINDINGS:

Based on a survey of zoning regulations in surrounding municipalities, the general consensus is that billiard rooms are being repositioned in the market place in an effort to change their image (see APPENDIX "B"). This trend is also occurring in the City of Hamilton and is evident by the fact that at the present point in time the Clerk's Department has advised there are no outstanding complaints regarding any of the existing licensed billiard rooms.

All of the municipalities contacted permit billiard rooms. However, billiard rooms are generally restricted to the downtown area, industrial areas and higher order commercial land use zones along arterial roads that are characterized as being destination oriented as opposed to serving the immediate needs of the local residents. The approach to regulating billiard rooms in other municipalities is consistent with that of the City of Hamilton whereby billiard rooms are restricted to locations along major arterial roads, the downtown area and industrial areas.

The City of Burlington classifies billiard rooms as a recreational use and permits them in the same zones as motion picture theatres and bowling alleys. In addition, several billiard rooms have been permitted by the Committee of Adjustment whereby the billiard room was considered to be a "like use" to the range of permitted uses.

The Town of Oakville permits billiard rooms in arterial commercial zones, except where the zone abuts a residential zone. The Town of Oakville has advised parking is a major issue given that a billiard room generates a significant amount of vehicular traffic.

OPTIONS:

Based on a review of the existing zoning regulations, zoning applications and the experiences in other municipalities, there are two options regarding billiard rooms. The options are:

- to maintain the prohibition in "H" District; or,
- to amend the zoning by-law to permit billiard rooms in the "H" District.

The first option (maintain the prohibition of billiard rooms in the "H" District) maintains previously adopted Council policy that billiard rooms are not an appropriate as-of-right land use in the "H" District. Under this option, proponents would be required to make an application for a site-specific amendment to Zoning By-law 6593 for each proposal. This would provide an opportunity for a detailed review of the suitability of a site for a billiard room and appropriate mitigating measures could be identified.

The second option would be to amend the zoning by-law to permit billiard rooms in the "H" District, with or without special requirements. Special requirements such as a minimum distance separation from schools could be established. This approach has been utilized to regulate the location of penny arcades and gun shops.

In order to regulate the location of penny arcades, it is City Council policy to require the proposed penny arcade to be at least 150 m (492 ft) from an existing penny arcade and 300 m (984.3 ft) from a school. For gun shops, the proposed gun shop must be a minimum of 300 m (984.3 ft) from a school.

The intent of a minimum distance separation requirement is to reduce the probability of students being truant from school when billiard rooms are located in close proximity. The Clerk's Department did not support the previous rezoning applications because they have experienced problems such as complaints from parents and teachers about children being truant from school when billiard rooms are located in close proximity. As such, a minimum distance separation requirement would address this concern should Council decide to permit billiard rooms in the "H" District. However, it should be noted that the most recent application approved by the Planning and Development Committee and Council (ZAC-94-25, 303 York Blvd.) would have been precluded due to the proximity of the billiard room to a school.

There are 13 licensed billiard rooms in "H" Districts. All 13 are located within 300 m of an elementary or high school. Under the provisions of Section 14.(6)(iii) of Zoning By-law No. 6593 these billiard rooms are legal uses in that the Zoning By-law permits the alteration, extension or enlargement of these uses. However, should Council permit billiard rooms as-of-right in the "H" District subject to a 300 m distance separation requirement from a school and delete the provisions of Section 14.(6)(iii) then the existing billiard rooms would remain as legal non-conforming uses. As such, if billiard rooms were deleted from Section 14.(6)(iii), then any expansion of the billiard would require either a modification in zoning or approval from the Committee of Adjustment.

In those situations where a billiard room is proposed within 300 m of a school, the proponent could apply for a modification in zoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment. This would allow for a review of any proposed billiard room on its merits.

If the Zoning By-law is amended to permit billiard rooms in the "H" District, then a billiard room would only be permitted if there is adequate on-site parking to accommodate the proposed use. Previous zoning applications (ZAC-90-10, ZAC-91-11 and ZAC-91-80) were denied because there was insufficient on-site parking to accommodate the proposed billiard room. However, both the Traffic Department and Roads Departments had no objection to the establishment of a billiard room at 303 York Blvd. (ZAC-93-33 and ZAC-94-25) as sufficient on-site parking is available. As such, prior to the issuance of a business license, any proposal to establish a billiard room is reviewed for conformity with the applicable provisions of the Zoning By-law.

PREFERRED OPTION:

After reviewing the possible options for billiard rooms and based on the experiences in other municipalities, the preferred option is to permit billiard rooms in the "H" District subject to the requirement that the billiard room be a minimum of 300 m from the lot line of any school. In order to implement the preferred option, Subsection 14.(1) of Zoning By-law 6593 should be amended to permit billiard rooms subject to the following special provision:

1. A radial separation distance of not less than 300 m. shall be provided from the lot line of the billiard room to the lot line of any school.

CONCLUSION:

Based on the foregoing, it is appropriate to schedule a public meeting of the Planning and Development Committee to consider the proposed By-law changes.

SR/sr
CI94-G.POL

APPENDIX "A"

Billiard Hall	Municipal Address	Map No.	Neighbourhood	Zoning
Pipeline/Crobar Niteclub	1605 Main St. W.	1	Ainslie Wood	"J" District
Whitney Billiard Lounge	1829 Main St. W.	4	Ainslie Wood West	"G-1" District
Academica Hall	242 James St. N.	10	Beasley	"H" District
Golden Que Billiards	95 King St. E.	10	Beasley	"I" District
Breaking Away	233 King St. E.	10	Beasley	"I" District
Karrum Amusement Ltd.	79 King St. E.	10	Beasley	"I" District
Karrum Amusement Ltd.	61 King St. E.	10	Beasley	"I" District
Central Billiards	229 James St. N.	21	Central	"H" District
McMaster Students Union Inc.	1280 Main St. W.	29	Cootes Paradise A	"U" District
Tailgate Charlies	69 John St. S.	31	Corktown	"I" District
Celebrity Billiards Inc.	1227 Main St. W.	34	Crown Point East	"H" District
Tux Billiards	146 Ottawa St. N.	34	Crown Point East	"H" District
Main Billiard Lounge	1101 Main St. E.	35	Crown Point West	"H" District
Brainwaves Billiards	640 Barton St. E.	48	Gibson	"H" District
Sportsway Billiards	4 Kenilworth Ave. N.	66	Homeside	"H" District
Dundurn Diner & Sports Lounge	219 Dundurn St. S.	92	Kirkdall North	"H" District
M & J Billiards	225 Parkdale Ave. N.	105	Normanhurst	"H" District
Golden Billiards	200 Centennial Pkwy N.	115	Riverdale West	"G-1" District
Q-Club Cafe & Billiards	140 Centennial Pkwy N.	115	Riverdale West	"HH" District
Club Fun	82 Centennial Pkwy N.	115	Riverdale West	"HH" District
Shooters Billiards & Games	1157 Rymal Rd. E.	120	Rymal	"M-11" District
Boulevard Billiards	303 York Blvd.	127	Strathcona	"H" District
Whisky Joe's	1115 Fennell Ave. E.	128	Sunninghill	"H" District
Sherwood Centre/Fenwood Development	1095 Fennell Ave. E.	128	Sunninghill	"H" District
Centrespot Bar & Eat	1070 Stone Church Rd. E.	129	Templemead	"G-1" District
The Hamilton Roller Gardens Ltd.	1215 Stone Church Rd. E.	131	Trenholme	"M-13" District
Foxx Billiards	1249 Stone Church Rd. E.	131	Trenholme	"M-13" District
Club 101 Billiards	625 Greenhill Ave.	132	Vincent	"G-1" District
Stan's Place	918 Main St. W.	136	Westdale South	"H" District
The End Pocket	970 Upper James St.	137	Yeoville	"HH" District

APPENDIX "B"

MUNICIPALITY	CLASSIFICATION	PERMITTED ZONES	COMMENTS
Ancaster	"Billiard Parlour"	C3 Zone (General Commercial)	
Burlington	"Recreation Use"	CH & CHR Zone (Highway Commercial) CS & CRS Zone (Shopping malls) CC2 Zone (Downtown) MB2 & MB7 Zones (Industrial)	Treated as a recreational use similiar to bowling alley, atheletic club or a motion picture theatre. Have been permitted as the result of CofA approvals where billiard hall is seen as a "like use" to range of permitted uses
Flamborough	"Places of Entertainment"	Urban Commercial Zone Settlement Commercial Zone Business District	Permitted use along arterial roads such as Hwy. No. 5 in Waterdown
North York	"Billiard Parlour"	C1 Zone (General Commerical) C2 Zone (Local Shopping Centre) C3 Zone (District Shopping Centre)	Permitted in higher order commercial zones
Oakville	"Billiard Parlour"		Permitted in the downtown core and in arterial commercial areas but prohibited in the zone abuts a residential zone Parking is a problem - do you use a base rate or restaurant rate which has a higher parking standard? Prohibited in malls. Permitted in industrial areas (limited to M5 Zone)
Stoney Creek	"Amusement Centre"	GC Zone (Genereal Commercial) CA1 Zone (Central Area) SC2 Zone (Shopping Centre)	

B (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 8

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Request for Capital Account Closures

RECOMMENDATION:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source Of Financing
a) 548841001	Central Business District Study	23,000.00	23,017.00	(17.00)	Province of Ontario
b) 549055006	Central Business District Study - Phase 2	12,550.00	12,500.00	50.00	Province of Ontario

:fd

C (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 7

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
118 Balmoral Avenue South (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Frank Zavarella, 118 Balmoral Avenue South, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Frank Zavarella, 118 Balmoral Avenue South in the amount of $2000. The roof has been repaired, and the Department recommends approval in the amount of $2,000. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON

- RECOMMENDATION -

C(b)

DATE: 1995 February 13

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
71 RYMAL ROAD WEST - Tag Number 93718
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 71 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: On January 25, 1995, the Planning and Development Committee approved Zoning Application ZAC-94-27 requesting modification to the "C" district to permit a photographer's studio and one residential unit.

PRESENT ZONING: C (Map W-9E)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Residential/Commercial Development

BRIEF DESCRIPTION: 1½ storey wood frame dwelling with attached double garage. Owner wishes to demolish existing house and redevelop lands as per zoning application ZAC-94-27. No LACAC interest. Lot size 60' x 200'.

The owner of the property as per the demolition permit is:

Gerald Coleman
36 Forestview Drive
Dundas, Ontario

SH/zr

D

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 February 16

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION: Stella Glover

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Ontario Municipal Board Decision respecting 85 Robinson Street

(b) Central Area Plan Implementation Committee re Forum Series on Downtown Hamilton

(c) Information Report from the City Solicitor re Administrative Tribunal Update

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C 51P4
1995



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
MAR 6 1995
GOVERNMENT DOCUMENTS

Wednesday, 1995 March 8th
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. City Initiative 95-A - Locke Street between King and Main.

MAYOR ROBERT M. MORROW

2. John Calvin Hungarian Presbyterian Church - Proposed Street Renaming (no copy)

BUILDING COMMISSIONER

3. (a) 1004-1006 King Street West - Cash-in-Lieu of Parking

   (b) Barton Street Revitalization (report to follow)

HAMILTON HARBOUR LAND USE SUB-COMMITTEE

4. Hamilton Harbour Special Study Area (report to follow)

CORRESPONDENCE

5. Urbacore Management Ltd. - Letter of Credit - 1365 Limeridge Road East

6. **CONSENT AGENDA**

7. **PRIVATE AND CONFIDENTIAL AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
5.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
6.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
7.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
8.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Report
9.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
10.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
11.	Billiard Halls - Review Planning Approach	1994 November 2	Planning	Planning to report back on planning approach and restrictions to billiard halls
12.	Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue	1994 December 7	Public Works and Traffic	Staff to report back on total costs for the reconstruction of the traffic islands

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

I	Item	Original Date	Action	Status
13.	CI94B - Review of large vehicles (including RV's) in Residential Zoning Districts	1995 January 4	Planning and Building	Tabled - Staff to review Option 2 of report, receive public input. Public meeting to be held in May. No action to be taken on list of complaints and zoning by-law 6593 not to be enforced re RV's until after resolution in May.

1995 March 8

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 28
CI-95-A
Strathcona Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Locke Street Between King & Main

RECOMMENDATION:

1. That approval be given to City Initiative 95-A, for a further modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, for properties located on the west side of Locke Street South, between King Street West and Main Street West (municipal numbers 18 to 64 Locke Street South) as shown on the attached map marked as APPENDIX "A", on the following basis:

   (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings) District as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 91-124, applicable to the subject lands, be further modified as follows:

      (i) That Section 1.(c) of By-law No. 91-124 be deleted in its entirety.

   (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1219a, and that the subject lands on Zoning District Map W-12 be notated S-1219a;

   (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by Zoning By-law No. 91-124, and Zoning District Map W-12 for presentation to City Council;

(d) That the approved Strathcona Neighbourhood Plan be amended to delete the special policy that vehicular access from Locke Street South will be prohibited for new development along the west side of Locke Street; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification in zoning to the established "D" (Urban Protected Residential - One and Two Family Dwellings.) District regulations for property at Nos. 18 to 64 Locke Street South, as shown on the attached map.

The effect of the by-law is to remove the prohibition in By-law 91-124 on vehicular access to and from Locke Street South for new development on the subject properties.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Strathcona Neighbourhood Plan Review

  Between 1988 and 1990, the Planning and Development Department undertook a review of the Strathcona Neighbourhood Plan. The neighbourhood plan review was undertaken in response to several proposals to redevelop properties along Locke Street South and to re-examine the proposed widening of Locke Street between Main Street and King Street to a 20 m road allowance. The paved portion of Locke Street South is approximately 10 m (33 ft.). The neighbourhood plan had proposed that the paved portion would be widened to 12 m (40 ft.).

  At its meeting of October 20, 1990, the Planning and Development Committee adopted the following recommendations regarding the Strathcona Neighbourhood Plan for lands

located on Locke Street between Main Street and King Street:

"(a) That the approved Strathcona Neighbourhood Plan be amended to:

(i) delete the designated widening of Locke Street South between Main Street and King Street; and,

(ii) add a special policy in the Plan to require 3.0 m front yard setbacks for new development on the west side of Locke Street South between Main Street and King Street, and to prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.

(b) That the Planning and Development Department be directed to undertake a City Initiative and schedule a Public Meeting to consider amendments to the Zoning By-law for Locke Street South between Main Street and King Street to:

(i) permit the construction of buildings on this section of Locke Street, notwithstanding the existing road allowance width of 33 ft. for this roadway;

(ii) reduce the front yard setback along the west side of Locke Street South to 3.0 m, whereas a minimum of 6.0 m is required; and,

(iii) prohibit vehicular access from Locke Street South for new development along the west side of Locke Street."

- City Initiative 90-H (Zoning By-law 90-124)

Planning and Development Committee, at their meeting of March 6, 1991, approved City Initiative 90-H. City Initiative 90-H was undertaken to implement the results of the review of the Strathcona Neighbourhood Plan.

On June 25, 1991, City Council passed By-law No. 91-124 which provided for the following variances as special provisions to the "D" District for those properties located between Nos. 18 and 64 Locke Street South:

(a) established a front yard setback of between 2.5 m and 3.0 m; and,

(b) prohibited vehicular access to/from Locke Street South for new development.

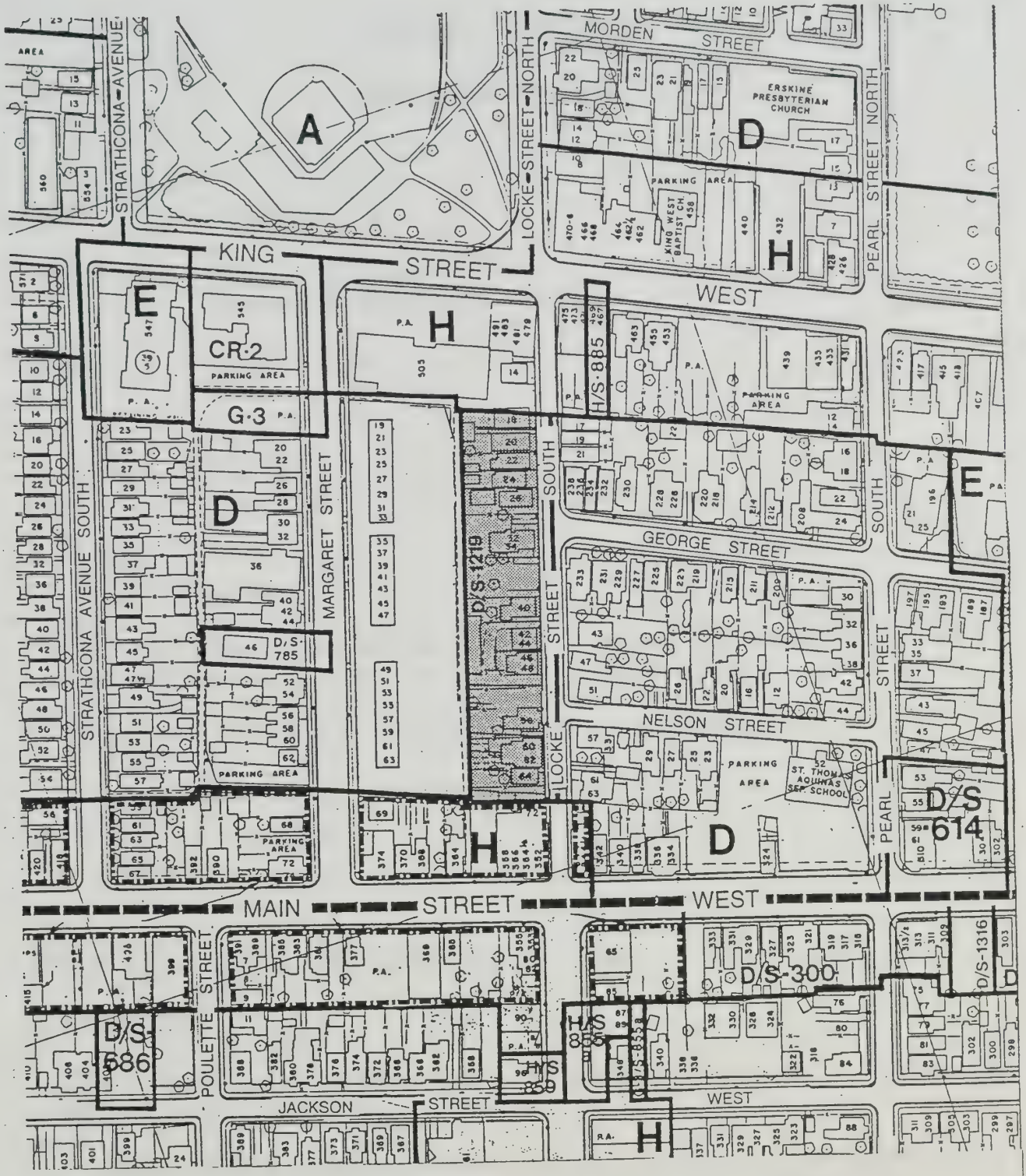
COMMENTS:

The prohibition on vehicular access from Locke Street was enacted in 1991 to address traffic concerns as a result of the decision not to widen the paved portion of Locke Street from 10 m (33 ft.) to 12 m (40 ft.). As an alternative to widening Locke Street, it was agreed that existing traffic volumes could be accommodated by upgrading the north-south alley between Locke Street and Margaret Street and by prohibiting vehicular access for new development onto Locke Street. It is noted that for existing development access to Locke Street is permitted as-of-right and very few, if any, new houses can be built without access to Locke Street. The Traffic Department has recently re-examined the need for the prohibition of vehicular access onto Locke Street for new development, and has advised that they have no objection to permitting vehicular access to Locke Street. As such, it is considered to be appropriate to further modify Zoning By-law No. 6593, as amended by By-law No. 91-124, to permit vehicular access to Locke Street for new development. Similarly, the provision in the Strathcona Neighbourhood Plan prohibiting vehicular access onto Locke Street should be deleted.

CONCLUSION:

Based on the foregoing, City Initiative 95-A can be supported.

SR/sr
CI95-A.LOC



Legend

Site of the Application

APPENDIX A

3(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 February 28

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: 1004-1006 King Street West
Cash-in-Lieu of Parking (95.2.4.2.1.A)(95.4.2.1.A)

RECOMMENDATION:

That the request by John Flynn of Sonke Holdings for payment by installment of the Cash-in-Lieu sum of $22,500. be approved subject to the following conditions:

1. payment duration shall be for 10 years with 10 annual installments,

2. interest shall be paid on the outstanding balance, on an annual basis, at a rate of 1% above prime.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:N/A

BACKGROUND:

On January 31,1995, City Council approved the following recommendation concerning an application for Cash-in-Lieu:

> "That in accordance with the Cash-in-lieu Policy that John Flynn on Sonke Holdings, be required to pay to the City of Hamilton the sum of $22,500. which is 50% of the cost of providing six parking spaces for the property at 1004-1006 King Street West at a cost $45,000."

Since approval was granted the applicant, John Flynn, has requested that the Cash-in-Lieu payment be made over a 10 year period with annual installments of $2,250. This request is in accordance with City policy on Cash-in-lieu except for the payment of interest. The City's policy states as follows:

> "Payment shall be made in a lump sum prior to the issuance of a building permit. Payments may also be made by mutually agreed installments which will include interest. In each case, an Agreement is entered into between the City and proponent. In cases when payments are made by instalments, the Agreement is registered against the title of the land in the Registry Office, as a lien against the property, until discharged."

LCK\PCL\mm

Via Fax (905) 546-2764

February 14, 1995

City of Hamilton
71 Main Street
Hamilton, ON
L8N 3T4

Attention: **Mr. Peter Lampman**

Dear Peter:

Re: **Cash-in-Lieu Policy**
1004 - 1006 King Street West

Further to earlier conversations and the recent resolution passed at the City Council meeting on January 31, 1995 regarding our cash-in-lieu application, we would ask that you please give consideration to the following proposal.

As it stands, the approved sum of twenty two thousand five hundred dollars ($22,500) is to be paid to the City of Hamilton forthwith immediately in order for building permits to be issued.

Given the added expense of cash-in-lieu to our overall construction budget we request that the City consider a guaranteed payment plan which would be spread over ten years ($2,250/annum).

Peter, as time is of the essence we would appreciate a response at your earliest convenience.

Thanking you in advance, we remain.

Yours truly,

THE SECOND CUP LTD.
Per:

John Flynn
National Leasing Manager
JF/lla

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
FEB 14 1995
REC'D BY _____ DATE _____
REFD TO pcl DATE _____
REFD TO _____ DATE _____
REFD TO _____ DATE _____

3300 Bloor St. W., Ste. 2900, Box 54, Etobicoke, Ontario M8X 2X3 Telephone: [416] 236 0053 Facsimile: [416] 236 0054

URBACORE MANAGEMENT LIMITED

161 REBECCA STREET • HAMILTON, ONTARIO, CANADA L8R 1B9
(416) 522-3328

CONSTRUCTION
ENGINEERING
PROPERTY MANAGEMENT

5.

JAN 2 3 1995

January 23, 1995

Clerk's Department
Corp. of the City of Hamilton,
71 Main St. W.,
Hamilton, Ont.
L8N 3T4

Attn.: S. Glover,
Secretary, Planning & Development Committee

Re: **Letter of Credit**
1365 Limeridge Rd. E.
Hamilton, Ont.
DA-93-40

Dear Stella,

Under the development agreement for the above project, we were required to provide a letter of credit for $ 111,000.00 to the City of Hamilton for a number of site work items. This is as per the City's new development agreement policy.

This project is now well underway and we have completed a large portion of the site works that are covered by this letter of credit (L/C). We thus wrote to A. Zuidema of the City Solicitor's Office asking that the L/C be reduced by the amount of work completed, a total of $ 47,210.00. Mr. Zuidema advised us that under the Site Plan Agreement there can be no partial reduction of the L/C. He stated that this is as per City Council's policy.

We are thus writing to you to request that we may appear before the Planning & Development Committee to discuss this policy of no refunds or partial reductions in the L/C's for Site Plan Agreements. We feel that this policy is an unnecessary burden and expense to builders and developers and is also contrary to the City and Region's letter of credit/securities practice for other types of development. For example, partial reductions of L/C's are permitted for all subdivision work, whether at the City or Regional level.

Mr. Zuidema explained to us that Council and Staff are against partial reductions in L/C's for they are concerned that the remaining amount of the L/C would not cover the costs of completing the

Tabled – Feb 22/95 – P&D. ette

App'd by Committee.....

App'd by Council.....

We hereby request that the letter of credit be immediately reduced by the $ 47,210.00.

Should you have any questions or comments regarding the above please do not hesitate to contact our office.

Yours truly,

James Jackson, P.Eng.

822827 Ontario Inc.
c/o 161 Rebecca St.
Hamilton, Ont.
L8R 1B9

City Solicitor's Office
Corp. of the City of Hamilton,
71 Main St. W.
P.O. Box 2040
Hamilton, Ont.
L8N 3T4

Attn.: **A. Zuidema**

Re: 1365 Limeridge Rd. E.
Hamilton, Ontario

Dear Sir,

Under the site plan agreement for the above project, a letter of credit for $110,000.00 was issued to the City as security for the completion of a number of site work items. This sum was composed of the following items:

1.	Curbs and Asphalt	$52,000.00
2.	Sidewalks	7,560.00
3.	Grading	4,500.00
4.	Sod and Plantings	11,350.00
5.	Sound Fencing	5,200.00
6.	Perimeter Fencing	9,180.00
7.	Catch Basins & Conn.	6,250.00
8.	Site Services	14,960.00
	Total	$ 111,000.00

A portion of this work has now been completed. The amount of work completed is as follows:

1.	Curbs and Asphalt	$52,000.00	50 %	$ 26,000.00
2.	Sidewalks	7,560.00	0 %	
3.	Grading	4,500.00	0 %	
4.	Sod and Plantings	11,350.00	0 %	
5.	Sound Fencing	5,200.00	0 %	
6.	Perimeter Fencing	9,180.00	0 %	
7.	Catch Basins & Conn.	6,250.00	100 %	6,250.00
8.	Site Services	14,960.00	100 %	14,960.00
	Total	$ 111,000.00		**$ 47,210.00**

outstanding work should the builder decide not to finish the work. While this is a legitimate concern, the City has more than suitable protection against these extra costs. As is the practice for subdivisions, the City could request that the builder or developer have an engineer or architect certify the amount of work completed and the amount for the work yet to be completed. This would place the onus on the engineer or architect to ascertain that there are sufficient securities to complete the work. We would also suggest that the amount of the reduction be equivalent to 90% of the value of the work completed. As well, the builder should provide an affidavit that the work has been completed and the subcontractors have been paid. This would offer additional protection to the City.

The City is also protected by Clause 14(g) of the Site Plan Agreement. Simply put, this clause states that if the City feels that there is insufficient security to complete the work they can notify the Owner and the Mortgagee and have them increase the amount of security. They would also have added protection through the property tax system.

This policy of no partial reductions is also quite costly to us. Firstly, we have to cover the amount of the letter of credit. Though the amount of $ 111,000.00 may seem insignificant, it is a large amount of cash to have tied up. Secondly, we have to pay our sub-contractors for the work completed. We have now doubled the amount of money that is tied up. Thirdly, as this is a bonded project, we had to provide a performance bond and a labour and materials bond to the Owner, a portion of which bonds the site work items. We thus have to provide double security for the same site work items.

As Staff cannot go against Council policy, we are thus requesting permission to appear before the P&D Committee to explain our case, to have our L/C reduced by $ 47,210.00 and to have the "no reduction" policy reviewed and changed.

We look forward to hearing from you and the Committee. Should you have any questions please do not hesitate to contact our office.

Yours truly,

A. Di Silvestro

encl.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 March 8th
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee Meeting of 1995 February 22

B. **COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING**

(i) Extension of Subdivision Draft Approval - Rymal Business Centre #1 - Regional File 25T-82008R

(ii) Application to Remove Part Lot Control "Acadia Estates" Subdivision

C. **BUILDING COMMISSIONER**

(i) Hamilton Emergency Loan Program (H.E.L.P.)
359 Strathearne Avenue

(ii) Demolition Permits (95.1.1.A)

(a) 21 Biggar Avenue
(b) 287 Brucedale Avenue East
(c) 1425 Upper James Street
(d) 1429 Upper James Street

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

A.

Wednesday, 1995 February 22
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman Don Drury, Chairperson Alderman Frank D'Amico, Vice-Chairperson Alderman Tom Jackson Alderman Henry Merling Alderman Geraldine Copps Alderman Bob Charters Alderman William McCulloch Alderman Marvin Caplan Alderman Fred Eisenberger
Regrets:	Mayor R. M. Morrow (City Business)
Also present:	Bill Janssen, Planning Department Caroline Floroff, Planning Department John Sakala, Planning Department Brian Allick, Building Department Willie Wong, Building Department David Powers, Law Department Eugene Chajka, Transportation/Environmental Services Residents of the Albion Falls Neighbourhood (15) Stella Glover, Secretary

1. **PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

(a) **Albion Falls Modified Neighbourhood Plan Review (PF-25) - Final Report**

The Committee was in receipt of a report dated 1995 January 30 respecting the above noted matter.

Bill Janssen, Planning Department made a presentation respecting the Modified Neighbourhood Plan Review.

Jim Tosher spoke on behalf of the residents of the Albion Falls Neighbourhood and congratulated the Planners on a comprehensive report. However, he stated that the situation had changed since 1982 and that in 1995, due to the isolation of the area, hardly anyone visited Albion Falls anymore. Therefore, the City was recommending open space that no one would ever use.

Mr. Tosher referred to the cost of purchasing properties. He stated that prices had increased substantially since 1985 and he felt that Council could no longer afford to purchase these properties.

After discussion, the Committee approved the following:

(a) That the existing "Open Space" designation in both the Official Plan and the approved Albion Falls Neighbourhood Plan, for the Albion Falls Neighbourhood Study Area, as shown on Appendix "A" be changed to "Residential"; and,

(b) That the Director of Local Planning be directed to prepare an amendment to the Official Plan and the approved Albion Falls Neighbourhood Plan to reflect this change.

(b) **Site Plan Control Application DA-94-25 for a 14 unit condominium apartment complex at 152 Catharine Street South.**

The Committee was in receipt of a report dated 1995 February 15 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter.

John Sakala of the Planning Department addressed the proposal and referred to concerns relating to a designated garage/parking space for Unit #9, at the base of the ramp.

The applicant addressed the proposal and requested the maintenance of the fourteenth parking space which the Traffic Department were recommending being deleted.

After discussion, the Committee approved the following:

That approval be given to Site Plan Control Application DA-94-25, by Buckingham York Limited, owner of lands known as 152 Catharine Street South as shown on the attached map, for a 14 unit condominium apartment complex, subject to the following:

i) modification to plans in relation to notes, dimensions, curb locations, as marked in red on the plans;

ii) approval by the Committee of Adjustment for the following variances:

a) to permit a front yard of 1.2m instead of the required 3.16m;
b) to permit a rear yard of 1.5m instead of the required 1.66m;
c) to permit a northerly side yard of 1.5m instead of the required 1.93m;
d) to permit a southerly side yard of 1.0m instead of the required 3.43m;
e) to permit roofed over porches to encroach into the required yards on Catharine Street and Young Street to be as close as 0.9m from the street lines instead of the required 1.5m and 3.43m;
f) to permit balconies to encroach into the required yards on Catharine Street and Young Street to be as close as 0.9m from the street lines instead of the required 2.16m and 2.43m;
g) to permit a total of 13 parking spaces with no internal visitor parking spaces instead of the required 12 spaces which would include 3 visitor parking spaces;
h) to permit a landscape area of 27% of the lot area (340 m^2) instead of the required 40% of the lot area (505 m^2) ;
i) deletion of the required one loading space;

iii) submission of a revised site plan to identify the card reader control for access into the site to the satisfaction of the Director of Traffic Services;

iv) submission of a revised grading plan to the satisfaction of the Director of Development, Roads Department; and,

v) provision of the removal costs of approximately $1,600.00, for the existing tree on the Catharine Street South road allowance to the satisfaction of the Director of Public Works.

(c) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing**

The Committee was in receipt of a report dated 1995 February 15 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter.

The Committee approved the following:

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-94:243, respecting property located at No. 121 Ward Avenue.

2. CORRESPONDENCE

(a) **Letter of Credit - 1365 Limeridge Rd. E. - DA-93-40**

The Committee tabled this matter until the next meeting at the request of the applicant.

(b) **The John Calvin Hungarian Presbyterian Church - Proposed Street Renaming**

The Committee was in receipt of a letter dated 1995 February 9 from the John Calvin Hungarian Presbyterian Church requesting that Park Street be renamed Liszt Avenue.

Reverend Csaba Baksa was in attendance and addressed the request. He stated that Park Street was selected as it was a centrally located street, close to Hamilton Place, which would be the culmination of a music festival planned for 1996. Reverend Baksa stated that he hoped to have other streets named after composers in the future.

Alderman McCulloch expressed opposition to renaming existing streets because of the expense and disruption which would be caused to resident businesses.

After consideration the Committee agreed to receive the letter from John Calvin Hungarian Presbyterian Church and to accept Mayor Morrow's offer to discuss other possibilities with Reverend Baksa, avoiding the renaming of existing streets.

3. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee dated 1995 February 8 which were adopted as circulated.

B. COMMISSIONER OF PLANNING AND DEVELOPMENT/ DIRECTOR OF LOCAL PLANNING

(i) **CI-91-I - Mobile Signs - Authorization for a Public Meeting**

The Committee was in receipt of a report dated 1995 February 15 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter and approved the following:

a) That the Planning and Development Committee direct staff to schedule a Public Meeting to consider a draft by-law regulating mobile signs, and that the appropriate public notice be given in accordance with the requirements of the Municipal Act; and,

b) That the City Solicitor be directed to prepare a draft by-law regulating mobile signs, based on the "preferred option", in consultation with the Building and Planning Departments.

(ii) **Billiard Rooms in the "H" District**

The Committee was in receipt of a report dated 1995 February 15 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter and approved the following:

That the Planning and Development Committee authorize a Public Meeting in accordance with the requirements of the Planning Act to consider the following changes to Zoning By-law No. 6593 regarding the regulation of billiard rooms:

That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 be modified as follows:

(a) That Section 14.(1) be modified by adding billiard room as a permitted use subject to a minimum distance separation of 300 m from the lot line of any school. As such, the new Subsection 14.(1)(xviib) will read as follows:

"(xviib) billiard rooms, provided that every billiard room shall be located on a lot having a minimum radial separation distance of not less than 300 m. from the lot line of any school."

Alderman Geraldine Copps was recorded as opposed to this motion.

(iii) **Request for Capital Account Closures**

The Committee was in receipt of a report dated 1995 February 8 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter and approved the following:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source Of Financing
a) 548841001	Central Business District Study	23,000.00	23,017.00	(17.00)	Province of Ontario
b) 549055006	Central Business District Study - Phase 2	12,550.00	12,500.00	50.00	Province of Ontario

C. BUILDING COMMISSIONER

(a) **Hamilton Emergency Loan Programme (H.E.L.P.) 118 Balmoral Avenue South (95.2.4.2.I.A)**

The Committee was in receipt of a report dated 1995 February 7 from the Building Commissioner respecting the above noted matter and agreed as follows:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Frank Zavarella, 118 Balmoral Avenue South, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(b) **Demolition Permit - 71 Rymal Rd. W. (95.1.1.A)**

The Committee was in receipt of a report dated 1995 February 13 from the Building Commissioner respecting the above noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 71 Rymal Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1995 February 16 from the Secretary of the Planning and Development Committee respecting the above noted matter and agreed as follows:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Ontario Municipal Board Decision respecting 85 Robinson Street

(b) Central Area Plan Implementation Committee re Forum Series on Downtown Hamilton

(c) Information Report from the City Solicitor re Administrative Tribunal Update

4. ADJOURNMENT

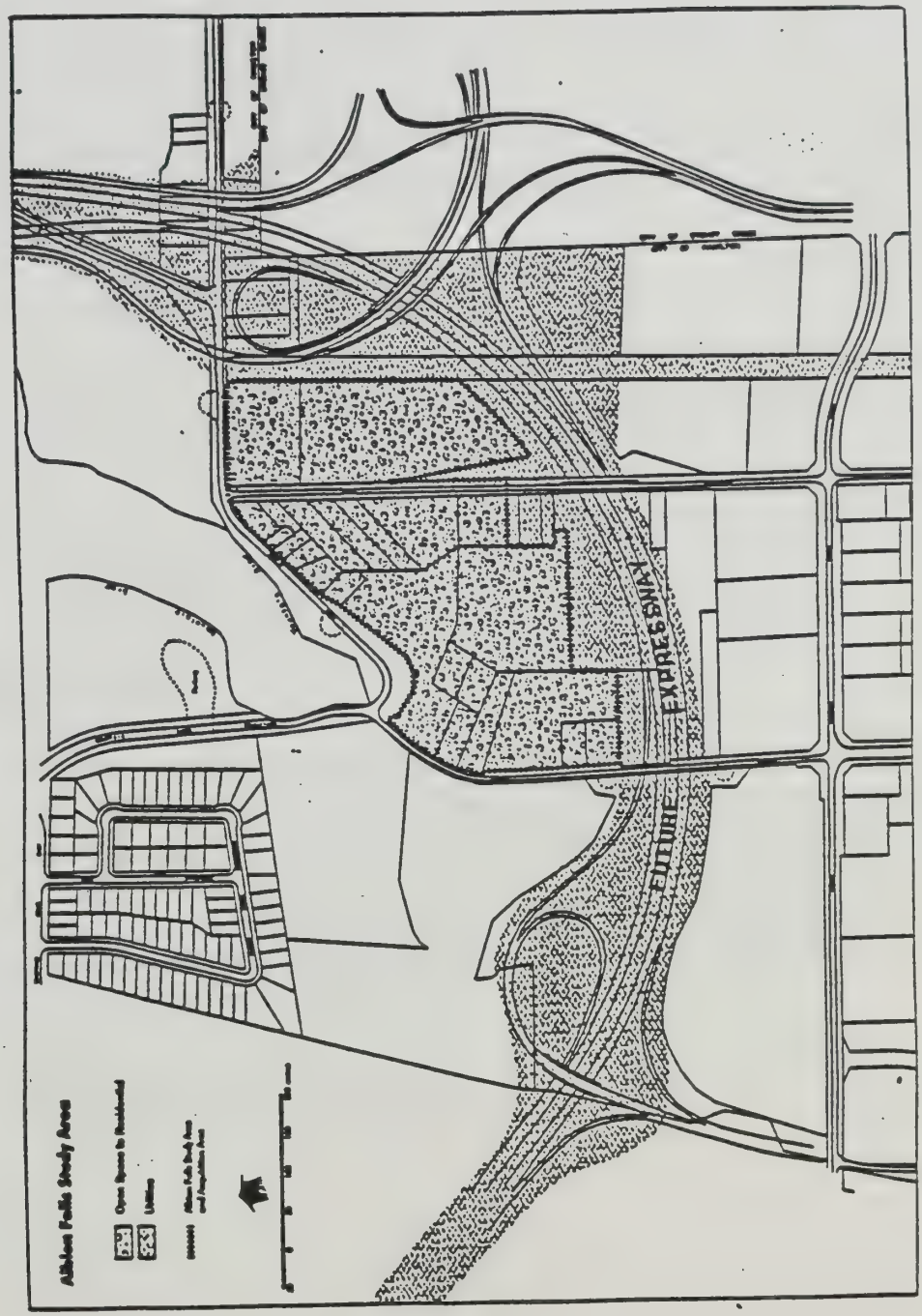
There being no further business the meeting then adjourned.

Taken as read and approved

Alderman Don Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary

/cm
1995 February 22


Abilene Falls Study Area
EXPRESSWAY
FUTURE

B (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 23

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Extension of Subdivision Draft Approval
"Rymal Business Centre No. 1"
Regional File 25T-82008R

RECOMMENDATION:

a) That the request by Frank Doracin, on behalf of Paletta International Corporation, owners, to extend draft plan approval for the "Rymal Business Centre No. 1" subdivision under Regional File 25T-82008R for a further three (3) years to 1998 March 30, be received, and that an interim extension of four (4) months, to 1995 July 30, be approved, to allow the Regional Roads Department time to review the current conditions of draft approval, and to prepare the terms of required storm-water management studies;

b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location

"Rymal Business Centre No. 1" is a 13.15 hectare industrial-business park subdivision located in the southwest quadrant of Rymal Road East and Glover Road, in the South Hannon Neighbourhood (Appendix "A").

History

The subdivision was originally known as the "Hamilton Mountain Industrial Park No. 2", and was draft approved on 1990 January 10. The western portion was registered by mid 1990. Paletta International then purchased the remainder of the property, and made extensive revisions to the plan. Revised draft approval was granted on 1992 March 30. The southern portion of the property was connected to services, and has been developed for the Fortino's distribution centre. These lands have been removed from the draft plan.

This file falls under the provisions of the pre-1983 Planning Act, which makes it subject to lapsing. The 1992 revised draft plan approval lapses on 1995 March 30. The applicant has requested a three (3) year extension (Appendix "B").

COMMENTS:

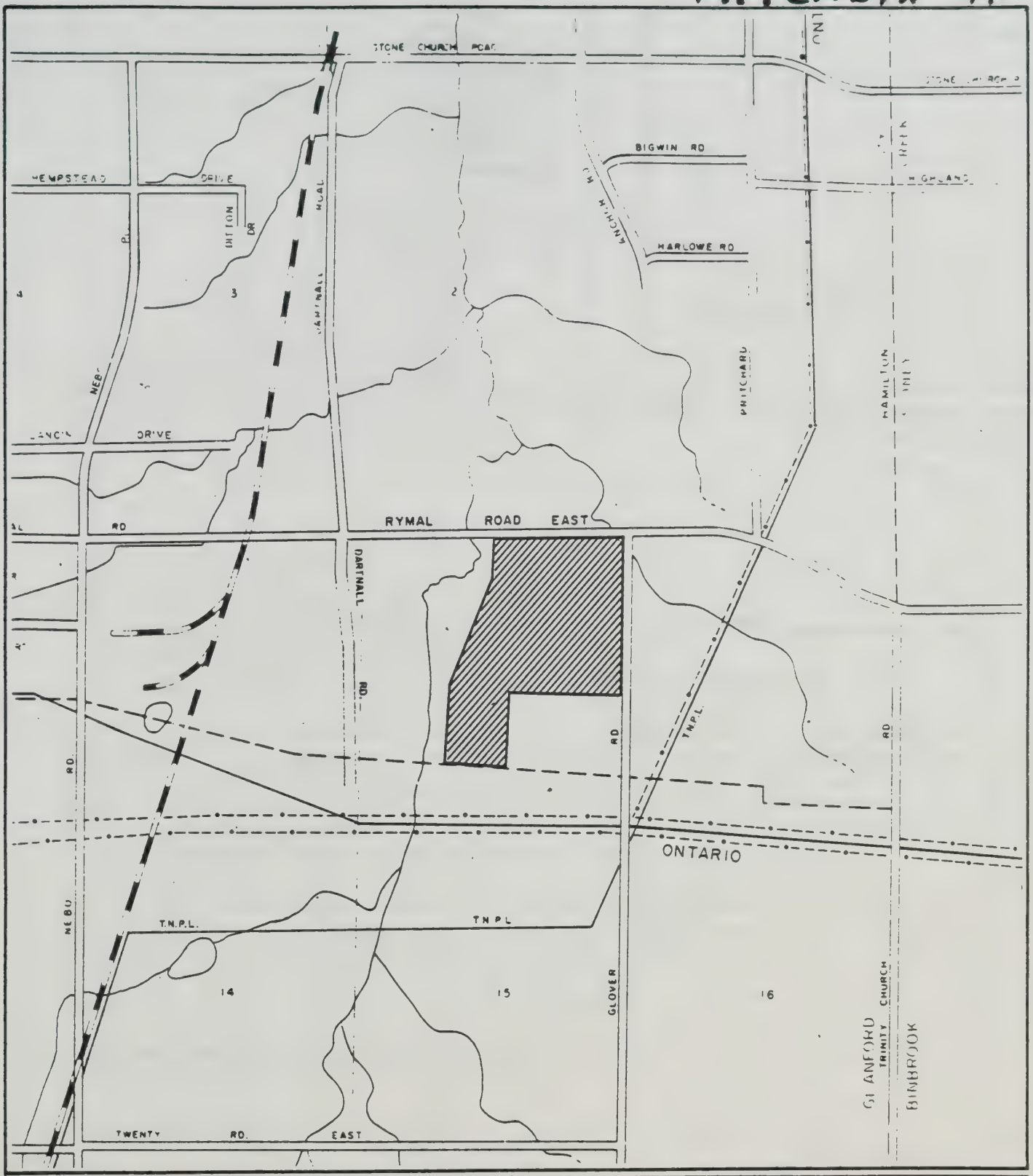
The Regional Economic Development Department has entered into a co-operative agreement with the owner in order to develop these lands. Appropriate zoning (M-12, M-13, M-14) is in place. The conditions of draft approval have been reviewed and most are still applicable. However, the Regional Roads Department has concerns regarding storm-water management on these lands, and a comprehensive storm-water management study has been requested by the Ministry of Natural Resources and the Hamilton Region Conservation Authority. As a result, the Roads Department has indicated that they may require additional or modified conditions.

CONCLUSION:

In order to provide all parties time to review any proposed changes to the conditions, an interim extension of four months, to 1995 July 30, would be appropriate.

JA
25T\82008\daextrep.1

APPENDIX 'A'



Location Plan For

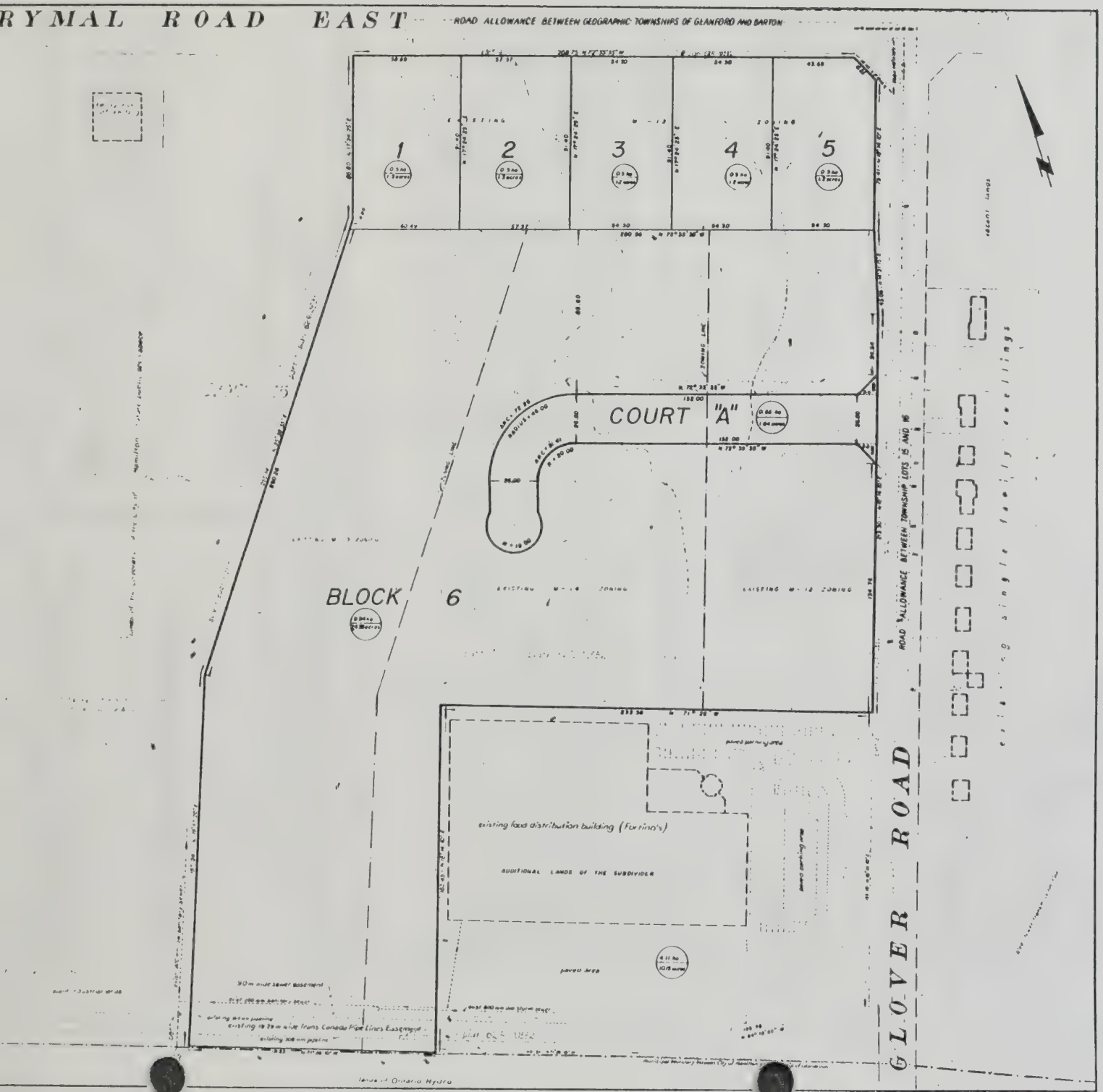
RYMAL BUSINESS CENTRE No. 1

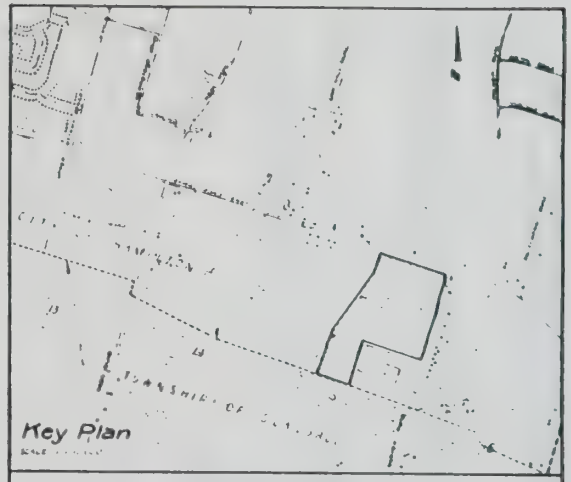
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000'	25T-82008 REVISED
	Date	Drawing No.
	MARCH 11, 1991	





Draft Plan of:

Rymal Business Centre No. 1

Part of Lot 15 Concession 1 - Geographic Township of Glanford

now in the

City of Hamilton

SCALE 1:1000

A.J. Clarke O.L.S. 1991

Caution: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

Notes: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

By Section 50 of the Planning Act (1991)

Surveyor's Certificate:

DATE
PLAN AMENDED JULY 3, 1991

Owners' Authorization

Land Use Schedule

ISSUED
JUL 1 1991
A. J. CLARKE & ASSOCIATES LTD.

A.J. Clarke and Associates Ltd.

APPENDIX 'B'

PALETTA INTERNATIONAL CORPORATION

January 11th, 1995

Mr. Guy Paparella
Division Head - Plans Administration
Regional Municipality of Hamilton Wentworth
Planning & Development Department
119 King Street West, 14th Floor
Hamilton, Ontario
L8N 3V9

25T-82008(R)
JAN 16 1995

Dear Mr. Paparella:

RE: FILE #25T-82008 (R)
RYMAL BUSINESS PARK NO. 1
810294 ONTARIO LIMITED
PART LOT 15, CON 1 (GLANFORD), CITY OF HAMILTON

Please be advised that we are requesting an extension to the Draft Plan approval of the captioned Plan of Subdivision for a ~~period of three years~~. There are some servicing constraints which have prevented us from registering the Plan of Subdivision to date. We will proceed with registration as soon as these constraints are resolved.

Your cooperation in providing this extension would be appreciated. Enclosed is a cheque in the amount of $230.00 to cover the cost of processing this extension.

Yours truly,

PALETTA INTERNATIONAL CORPORATION

Frank Doracin,
Development Coordinator.

c: City of Hamilton - Clerk's Department

FD/jd
Encl.
fd.863

1480 Paletta Court, Burlington, Ontario L7L 5R2 (905) 632-3449 * Oakville (905) 825-1856 * Toronto (416) 366-7316

B (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 27
(PLC-H-95-1)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Application to remove part-lot control
"Acadia Estates" subdivision

RECOMMENDATION:

a) That the request of Mr. Mario Bartolini, Q.C., Solicitor for Carriage Gate Homes Ltd. owner, to establish maintenance easements by removing part-lot control from Lots 4 to 15 inclusive, and Lots 17 to 22, inclusive, "Acadia Estates" plan of subdivision, Registered Plan 62M-776, be approved;

b) That the attached by-law to remove part-lot control from Lots 4 to 15 inclusive, and Lots 17 to 22, inclusive, "Acadia Estates" plan of subdivision, be enacted by Council;

c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and

d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Mr. Mario Bartolini, Q.C. Solicitor for Carriage Gate Homes Ltd., owner, is proposing to establish maintenance easements for 18 small lots by temporarily removing part-lot control (Attachment "A").

Location

The lands are located on Annapolis Way in the vicinity of Upper Sherman Avenue and Stone Church Road East in the Butler Neighbourhood, City of Hamilton (Attachment "B").

Comments

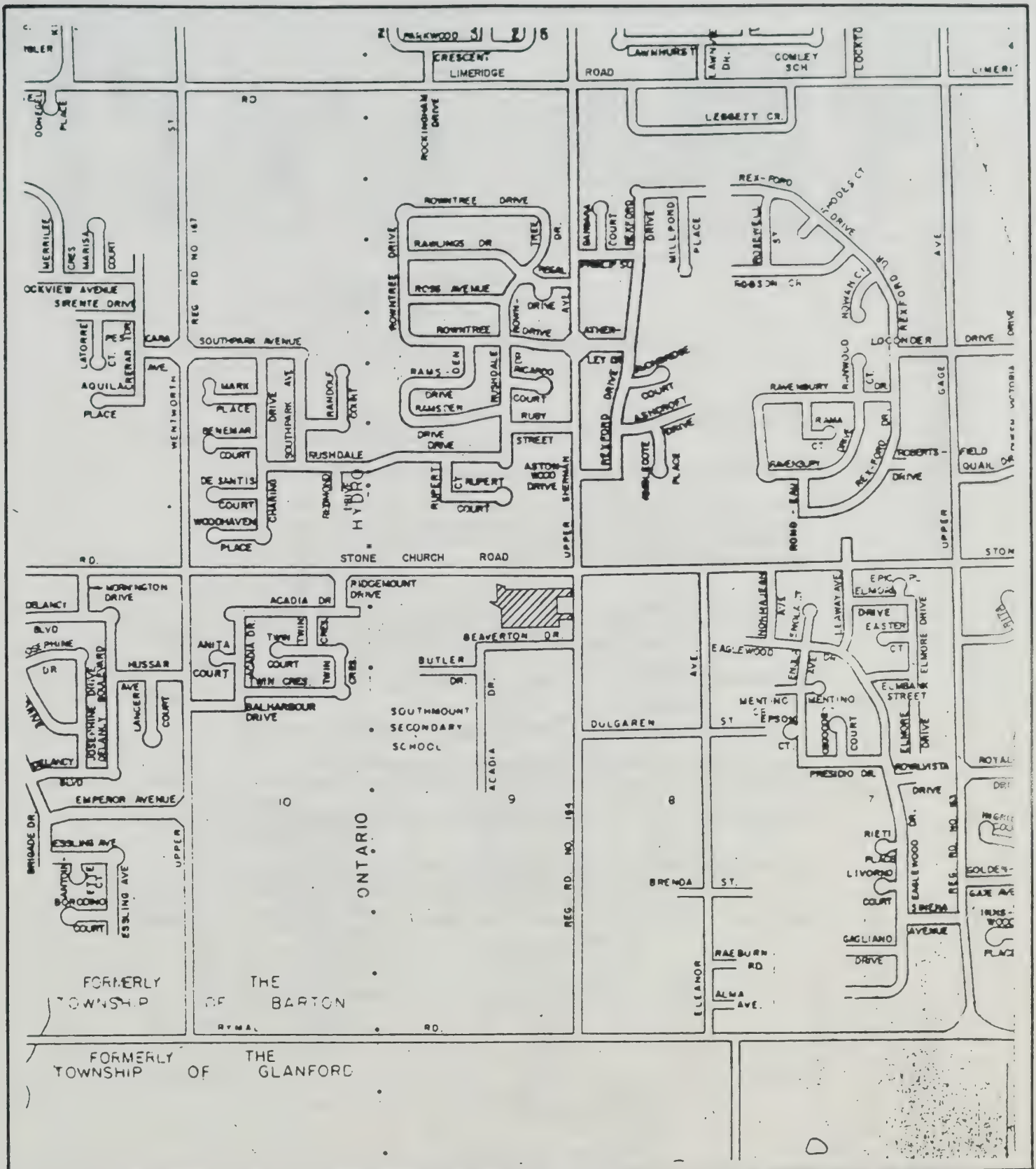
Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

In this case, the applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance easements for the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.



LOCATION PLAN FOR

ACADIA ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-90018
	Date	Drawing No.
	JUNE 27, 1990	

PLAN OF SURVEY OF
PART OF LOT 9 – CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
AND
COMPILED PLAN OF
PART OF LOTS 4 TO 15 & 17 TO 22 (ALL INCLUSIVE)
REGISTERED PLAN No. 62M-776
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
0 5 10 15 20 metres

B. J. CLARKE O.L.S.
1994

SCHEDULE			
PART	LOCATION	INSTRUMENT No.	AREA
19	LOT 9 - CONCESSION 8 TOWNSHIP OF BARTON	REMAINDER OF 218249CD (1stly) & (2ndly)	30.24m²

PLAN 62R-13293
RECEIVED AND DEPOSITED
1995 02 22 PETER W. GAIGAL
DATE LAND REGISTRAR FOR THE REGISTRY DIVISION AND THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT AND THE LAND TITLES ACT.
JULY 5, 1994 LAWRENCE DANDY
DATE LAWRENCE DANDY

PART 1 – PART OF PARCEL 4-1, SECTION 62M-776
PART 2 – PART OF PARCEL 5-1, SECTION 62M-776
PART 3 – PART OF PARCEL 6-1, SECTION 62M-776
PART 4 – PART OF PARCEL 7-1, SECTION 62M-776
PART 5 – PART OF PARCEL 8-1, SECTION 62M-776
PART 6 – PART OF PARCEL 9-1, SECTION 62M-776
PART 7 – PART OF PARCEL 10-1, SECTION 62M-776
PART 8 – PART OF PARCEL 11-1, SECTION 62M-776
PART 9 – PART OF PARCEL 12-1, SECTION 62M-776
PART 10 – PART OF PARCEL 13-1, SECTION 62M-776
PART 11 – PART OF PARCEL 14-1, SECTION 62M-776
PART 12 – PART OF PARCEL 15-1, SECTION 62M-776
PART 13 – PART OF PARCEL 17-1, SECTION 62M-776
PART 14 – PART OF PARCEL 18-1, SECTION 62M-776
PART 15 – PART OF PARCEL 19-1, SECTION 62M-776
PART 16 – PART OF PARCEL 20-1, SECTION 62M-776
PART 17 – PART OF PARCEL 21-1, SECTION 62M-776
PART 18 – PART OF PARCEL 22-1, SECTION 62M-776
PARTS 1 TO 18 (INCLUSIVE) – SUBJECT TO AN EASEMENT AS SET OUT IN LT378013

SCHEDULE			
PART	LOT	PART	LOT
1	4	10	13
2	5	11	14
3	6	12	15
4	7	13	17
5	8	14	18
6	9	15	19
7	10	16	20
8	11	17	21
9	12	18	22

CAUTION
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE
1 ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF LOTS SHOWN IN THE SCHEDULE
2 ALL PARTS HAVE A PERPENDICULAR WIDTH OF 1.20m
3 REAR LIMITS OF ALL PARTS ARE PERPENDICULAR TO ADJACENT LOT LINE

SURVEYOR'S CERTIFICATE:
(AS TO PARTS 1 TO 18)
I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-776
JULY 6, 1994 B. J. CLARKE ONTARIO LAND SURVEYOR

LEGEND:
SIB SHLB SURVEY MONUMENT PLANTED
SIBW SHLBW SURVEY MONUMENT FOUND
IB INCHES IRON BAR
SIB INCHES STANDARD IRON BAR
SSIB INCHES SHORT STANDARD IRON BAR
(BSN) M. B. BENELL O.L.S.
(BJC) A. J. CLARKE O.L.S.
(WHM) REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(MTC) METRES

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE WESTERN LIMIT OF LOT 15 AS SHOWN ON PLAN 62M-776 HAVING A BEARING OF N18°34'30"E.

SURVEYOR'S CERTIFICATE:
(AS TO PART 19)
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE 5th DAY OF JULY, 1994.
JULY 6, 1994 B. J. CLARKE ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Remove
Lands within the Acadia Estates Subdivision, Plan 62M-776
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

   Lots 4 to 15 inclusive, and Lots 17 to 22, inclusive, within Registered Plan Number 62M-776, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1995.

CITY CLERK **MAYOR**

This Bylaw is approved pursuant to section 50(7),the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1995.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

C(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 14

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
359 Strathearne Avenue (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and fifty dollars ($1,750.) be approved for Christena MacNeil, 359 Strathearne Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Christena MacNeil, 359 Strathearne Avenue in the amount of $1,750. The furnace has been repaired, and the Department recommends approval in the amount of $1,750. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON

- RECOMMENDATION -

C (ii) (a)

DATE: 1995 February 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
21 BIGGAR AVENUE - Tag Number 93772
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 21 Biggar Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K (Map E-31)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Lot

BRIEF DESCRIPTION: 1-3/4 storey frame construction dwelling. Owner wishes to demolish existing dwelling and leave property vacant. No LACAC interest. Lot size 4' x 96' irregular.

The owner of the property as per the demolition permit is:

829129 Ontario Inc.
P.O. Box 188
Kitchener, Ontario

SH/zr

C(ii)(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 February 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
287 BRUCEDALE AVENUE EAST - Tag Number 93744
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 287 Brucedale Avenue East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	G (Map E-16)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant (unknown)
BRIEF DESCRIPTION:	1 storey wood framed dwelling. Owner wishes to demolish existing house. Proposed use is unknown. No LACAC interest. Lot size 34' x 100'.

The owner of the property as per the demolition permit is:

Royal Bank of Canada
1100 Burloak Drive
Burlington, Ontario

SH/zr

CITY OF HAMILTON

- RECOMMENDATION -

C(ii)(c)

DATE: 1995 February 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1425 UPPER JAMES STREET - Tag Number 93759
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1425 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: HH/S-1242 (Map E-9C)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial

BRIEF DESCRIPTION: 1½ storey wood frame with aluminium siding dwelling with separate 2-car garage. Owner wishes to demolish existing house and redevelop lands as commercial. No LACAC interest. Lot size 66' x 290'.

The owner of the property as per the demolition permit is:

859778 Ontario Inc.
P.O. Box 4038 Station D
Hamilton, Ontario

SH/zr

CITY OF HAMILTON

- RECOMMENDATION -

C (ii) (d)

DATE: 1995 February 24

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1429 UPPER JAMES STREET - Tag Number 93760
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1429 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: HH/S-1242 (Map E-9C)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial

BRIEF DESCRIPTION: 1½ storey brick dwelling. Owner wishes to demolish existing house and redevelop lands for commercial. No LACAC interest. Lot size 66' x 290'.

The owner of the property as per the demolition permit is:

859778 Ontario Inc.
P.O. Box 4038 Station D
Hamilton, Ontario

SH/zr

D.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 February 27

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Ministry of Culture, Tourism and Recreation dated 1995 February 10 re Proposed New Heritage Legislation

(b) Local Architectural Conservation Advisory Committee Minutes dated 1995 January 16

(c) Ministry of Municipal Affairs dated 1995 February 21 re Final Provincial Contribution re Central/Beasley Project Area

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
MAR 20 1995
GOVERNMENT DOCUMENTS

Wednesday, 1995 March 22nd
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover

Stella Glover, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-03, B.Y.M. Construction Limited (668674 Ontario Limited) and Bergamot Holdings Limited, owner, for a further modification to the established "G" District regulations, for lands location at No. 969 Upper Ottawa Street.

2. Official Plan Amendment No. 130 - Albion Falls Neighbourhood.

   (a) Submission - Hamilton Region/Conservation Authority

3. City Initiative 94-G - Billiard Rooms in the "H" District.

4. **DELEGATION**

   Planning & Development Application User Fees - Sergio Manchia, Director, Hamilton-Halton Home Builders Association

5. **DIRECTOR OF LOCAL PLANNING**

User Fees - Planning

6. **CHIEF ADMINISTRATIVE OFFICER/BUILDING COMMISSIONER**

Integration of Local Planning and Building Department

7. **REFERRAL FROM CITY COUNCIL**

Zoning Application 93-37 - 986-998 Upper Wentworth Street

8. **BUILDING COMMISSIONER**

Barton Street Revitalization (to follow)

9. **CONSENT AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
5.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
6.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
7.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
8.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Report
9.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
10.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
11.	Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue	1994 December 7	Public Works and Traffic	Staff to report back on total costs for the reconstruction of the traffic islands

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

	Item	Original Date	Action	Status
12.	CI94B - Review of large vehicles (including RV's) in Residential Zoning Districts	1995 January 4	Planning and Building	Tabled - Staff to review Option 2 of report, receive public input. Public meeting to be held in May. No action to be taken on list of complaints and zoning by-law 6593 not to be enforced re RV's until after resolution in May.

1995 March 22

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 14
ZAR-95-03
Lisgar Neighbourhood

REPORT TO: Ms. Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a further modification in zoning - 969 Upper Ottawa Street

RECOMMENDATION:

1. That approval be given to Zoning Application ZAR-95-03, B.Y.M. Construction Limited (668674 Ontario Limited) and Bergamot Holdings Limited, owner, requesting a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit a ground (pylon) sign for business identification, for property located at No. 969 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

   A) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of By-law No. 6593, as amended by By-law Nos. 70-259, 73-291, 75-178, 83-169 and 84-101, applicable to the subject lands, be modified to include the following variances as special requirements:

      i) Notwithstanding Section 13, only one ground sign for shopping centre and/or business identification shall be permitted along Upper Ottawa Street only, subject to the following requirements:

         a) no sign shall be more than 7.4 m in height and every sign shall have a height of at least 1.8 m from the ground to the bottom of the sign;

b) no sign shall be more than 15.0 m^2 in area;

c) every sign shall be setback a minimum of 4.5 m from any lot line; and,

d) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

B) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-413c, and that the subject lands on Zoning District Map E-59A be notated S-413c.

C) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A, for presentation to City Council.

D) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations, for lands located at No. 969 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a 7.4 m high ground (pylon) sign for shopping centre and/or business identification for the existing commercial plaza.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The proposal is to further modify the established "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit a pylon sign for business identification for the existing commercial plaza, located at No. 969 Upper Ottawa Street (see attached APPENDIX "B").

The subject property is 2.07 hectares in area, and the plaza contains 13 commercial units, including a major grocery store. The applicant has indicated a need for business identification in order to keep tenants in the plaza. The current zoning (ie. "G" District regulations) only permits business identification signs that are wall signs.

- Previous Rezonings

There have been a number of zoning amendments passed which affect the subject lands:

By-law No. 70-259 - rezoned the western portion of the subject lands and adjacent lands (1.2 ha) from "C" (Urban Protected Residential, etc.) to "G" (Neighbourhood Shopping Centre) District, modified.

By-law No. 73-291 - rezoned a further parcel of the subject lands (0.32 ha) from "C" (Urban Protected Residential, etc.) to "G" (Neighbourhood Shopping Centre) District, modified.

By-law No. 75-178 - rezoned a further parcel of the subject lands (0.20 ha) from "C" (Urban Protected Residential, etc.) to "G" (Neighbourhood Shopping Centre) District, modified. Also permitted an automobile service station for a portion of the subject lands and abutting lands.

By-law No. 83-169 - further modified the "G" (Neighbourhood Shopping Centre) District provisions to permit an expansion to the existing plaza and rezoned a further parcel of the subject lands from "DE" (Low Density Multiple Dwellings) to "G-3" (Public Parking Lots) District, modified to permit parking and loading for the plaza.

By-law No. 84-101 - further modification to the "G" (Neighbourhood Shopping Centre) District regulations respecting restrictions to the service station use.

Ontario Municipal Board Order September 26, 1989 - rezoned the remainder of the subject lands zoned "DE" (Low Density Multiple Dwellings) and the portion zoned "G-3" (Public Parking Lots) District to "G" (Neighbourhood Shopping Centre) District, modified, to provide for further expansion of the plaza.

APPLICANT:

B.Y.M. Construction Limited (668674 Ontario Limited) and Bergamot Holdings Limited (Betty Younge as President of both corporations), owner.

LOT SIZE AND AREA:

The subject property has:

- 105.48 m of frontage on Upper Ottawa Street;
- 58.66 m of depth along Larch Street and 76.32 m of depth along Carson Drive; and
- a site area of 2.07 ha.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Commercial Plaza	"G" (Neighbourhood Shopping Centre, etc.) District, modified
Surrounding Lands		
to the north	Automobile service station and single-family dwellings	"G" (Neighbourhood Shopping Centre, etc.) District, modified and "C" (Urban Protected Residential, etc.) District
to the south	Townhouse and single-family dwellings	"E-2" (Multiple Dwellings) District, modified and "C" (Urban Protected Residential, etc.) District
to the west	Townhouse and single-family dwellings	"DE" (Low Density Multiple Dwellings) District, modified
to the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.6 The SHOPPING CENTRES category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.

A.2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres;

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area."

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" on the Approved Lisgar Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Building Department advises:

"1. A "pylon sign" is not permitted in this district.

2. We recommend that the "pylon sign" be setback a minimum of 3.0 m from the front property line and side property line.

3. The height of the sign shall not exceed 1 storey.

4. A shopping centre identification sign is permitted in Section 13A of Zoning By-law 6593. We recommend that the requirements of Section 13A(1)(xii) be applied to the proposed sign."

- The Regional Roads Department advises:

"According to our records, the Region previously acquired the required road widenings on Upper Ottawa Street and Larch Street was established by Plan M-89. Therefore, we do not anticipate any further road allowance widenings at this time.

We recommend that the placement and location of the sign be regulated through at least partial site plan control to ensure that the location of the sign does not obstruct motorist visibility on the adjacent streets and within the accesses to the streets."

- The Traffic Department advises:

"We can support the proposed modification to the "G" District zoning to permit a pylon sign on the subject lands in principle. However, we recommend that final approval of the modification be subject to approval of a site plan indicating the exact location of the proposed pylon sign in order to ensure that the proposed pylon sign does not affect the operation of the traffic signals at the intersection."

COMMENTS:

1. The proposal complies with the Official Plan and the Approved Lisgar Neighbourhood Plan.

2. The application has merit and can be supported on the following basis:

   - It complies with the Official Plan and the Approved Lisgar Neighbourhood Plan, both of which designate the subject lands "Commercial".

   - Although the subject lands are zoned "G" (Neighbourhood Shopping Centre, etc.) District, modified, this zone typically applies to smaller commercial centres. The subject lands are 2.07 ha in area, and the plaza includes a major grocery store as a tenant. Consequently, the subject plaza is more characteristic of a "G-1" (Designed Shopping Centre) District, which requires a minimum lot area of 0.4 ha. To reflect the higher commercial function of the "G-1" District centres, the regulations permit shopping centre identification and business identification signs up to 21 m^2 in area. The type of ground sign proposed would be permitted in a "G-1" District. Based on the foregoing, the requested sign is not inconsistent with the type of commercial centre existing on the subject lands.

- The sign would be located along a major arterial road, where it would not adversely affect adjacent residential areas.

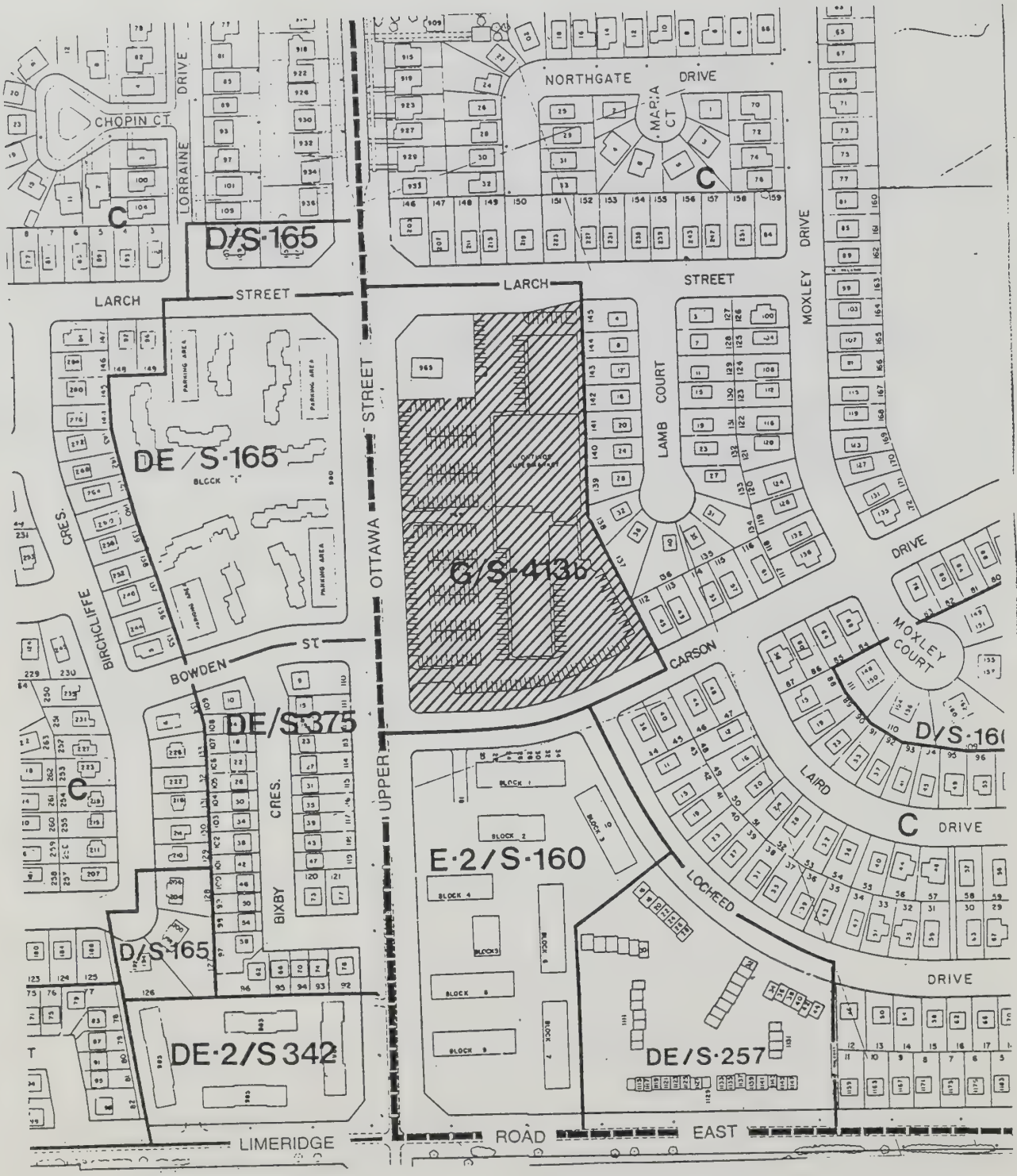
3. The size of the sign should be restricted to 7.4 m in height and 15 m^2 in area to reflect the sign proposed by the applicant (see APPENDIX "B"). In addition, the proposed sign is open for the first 1.8 m of height and this should be included as a requirement to ensure this is maintained. Furthermore, a minimum setback of 4.5 m is included as a special requirement for the sign. This is consistent with the setback established by By-law No. 84-101 for the adjacent automobile service station to the north.

4. It is noted that the subject lands are subject to Site Plan Control. As recommended by the Traffic and Roads Departments, the exact location of the sign can be reviewed under Site Plan Control, to ensure that the sign does not adversely affect motorist visibility, flow of traffic, etc.

CONCLUSION:

Based on the foregoing, the application can be supported.

CL-M



Legend

Site of the Application

ZAR-95-03

APPENDIX A

Copy sent to: J.D. Thoms - Commissioner of Planning & Development; V. Abraham - Director of Local Planning; P. Noe Johnson - City Solicitor; Mary Lou Tanner - Planning Department. March 13, 1995 - S. Glover, Sec. P & D Ctte.

Hamilton Region Conservation Authority

2(a)

March 13, 1995

City of Hamilton
Planning & Development Committee
City Hall, 71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Secretary

Dear Sir/Madam:

Re: Albion Falls Neighbourhood
Proposed Official Plan Amendment

Further to the March 3rd notice regarding the above, Conservation Authority staff have the following comments respecting the proposed change in the designation of "open space" lands to "residential". Refer to Schedule "A", which illustrates the lands north of the future expressway, east of Arbour Road, south of Mud Street, and west of the easterly City limits, which are to be changed from "open space".

1. First, it is a general policy of the Conservation Authority for staff not to support proposals that change land designated as open space to a form that would facilitate development. As a sustainable development community, the Region has recognized the value of open space, and thus it should be maintained.

2. Secondly, the Conservation Authority is being consistent with our recommendations regarding the subject lands that were made in 1980 and 1981. Authority staff supported a plan for the Albion Falls Neighbourhood, which designated all the subject lands as open space with the provision of allowing a restaurant (commercial) to be located on the mountain brow. These open space lands were designated with the aim of augmenting the Red Hill Valley open space system, and providing a buffer between Albion Falls and the proposed expressway. Authority staff today believe that these planning principles for the subject lands still hold true, and to change the use designation from open space would negate years of planning effort.

.....2

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 • (905) 525-2181 or 648-4427 • Office Fax 648-4622 • Shop Fax 525-2214

3. The existing open space designation of the subject lands was part of a long range planning strategy to protect the Red Hill Creek Valley/Albion Falls. It was an effort to reduce environmental degradation due to the cumulative impact of development on the Red Hill Creek system. By maintaining the open space, expensive infrastructure requirements could be avoided, and the plan would also facilitate the termination of Mountain Brow Boulevard and Mud Street and thus remove impediments to biodiversity and the flow of people along this significant greenway — the Red Hill Creek Valley.

In summary, the Hamilton Region Conservation Authority is opposed to the change in land use from "open space" to "residential" for the subject lands, and we wish to present our viewpoint respecting this proposed Official Plan amendment at the March 22nd public meeting.

We also wish to be notified of Council's decision respecting this amendment, and of the by-law proposed to enact the O.P.A. should it be approved.

Please call the undersigned or Scott Peck, Senior Planner, if questions arise.

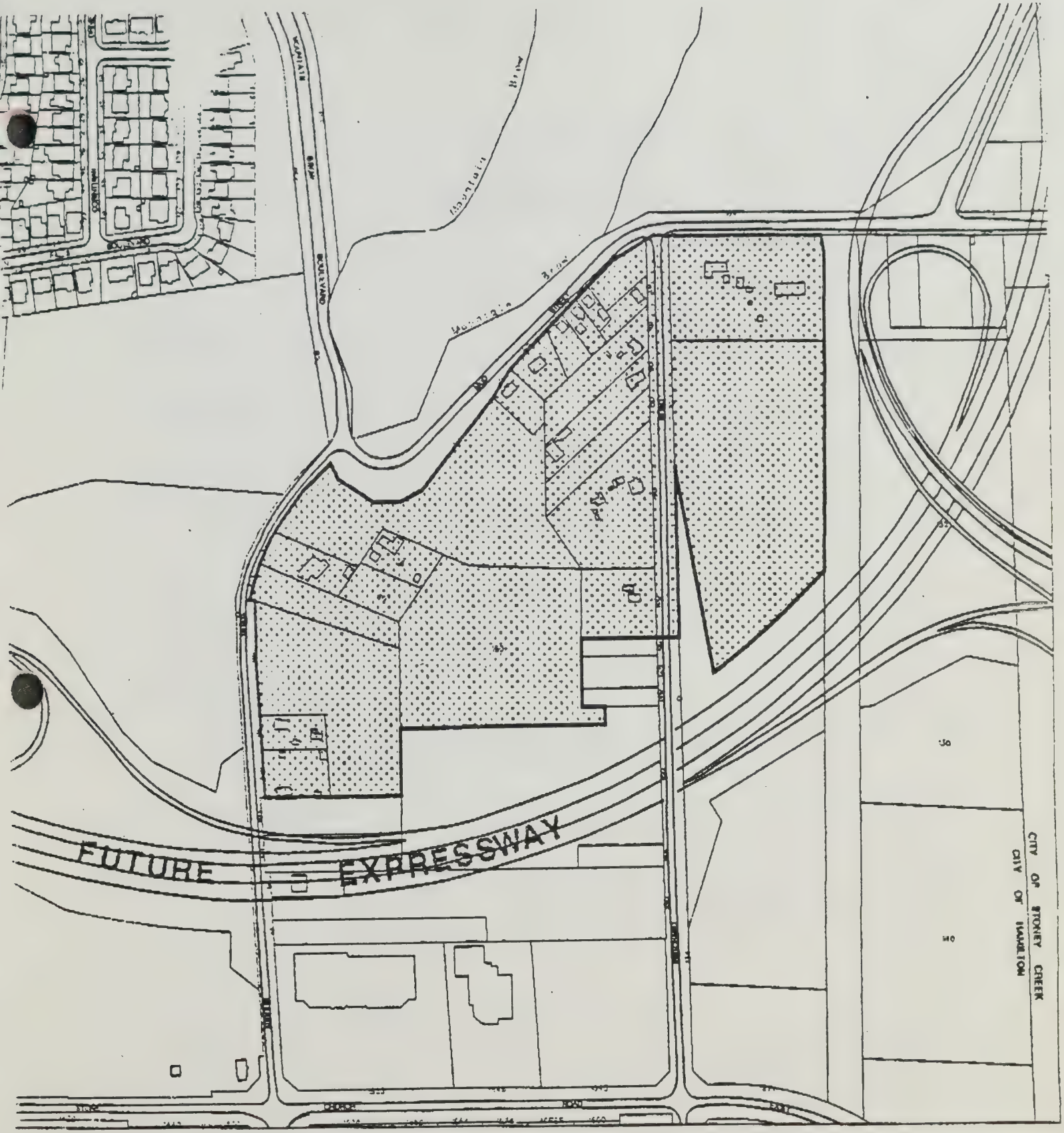
Sincerely,

B. Scott Konkle
Director of Planning & Engineering

BSK/mn

encl.

cc Scott Peck, HRCA
Bruce Duncan, HRCA
Mary Lou Tanner, City of Hamilton



Schedule "A"

to the Official Plan for the City of Hamilton

From "Open Space" to "Residential"

NORTH

50 0 50 100 150 200 metres

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 16
CI-94-G

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Billiard Rooms in the "H" District

RECOMMENDATION:

1. That approval be given to City Initiative 94-G for a general text amendment to Zoning By-law No. 6593 with respect to billiard rooms on the following basis:

   A) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 be modified as follows:

      (a) That Section 14.(1) be modified by adding billiard room as a permitted use subject to a minimum distance separation of 300 m from the lot line of any school. As such, the new Subsection 14.(1)(xviib) will read as follows:

      "(xviib) A billiard room, provided that;

      (a) every billiard room shall be located on a lot having a minimum radial separation distance of not less than 300m from the lot line of any school;

      (b) clause (a) shall not apply to any alteration, extension or enlargement of a billiard room that existed at the time of the passing of By-law No. 95 - , where the radial separation distance from the lot line of an existing billiard room is less than 300m from the lot line of any school."

(b) That Section 14.(6)(iii) be modified by deleting "billiard room" from the list of prior existing uses.

B) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

C) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to modify the "H" (Community Shopping and Commercial, etc.) District regulations by adding billiard rooms as a permitted use. The City of Hamilton Zoning By-law currently does not permit billiard rooms in the "H" District.

The effect of the proposed By-law is to permit billiard rooms in the "H" District subject to the requirement that the billiard room be a minimum of 300 m from the lot line of any school. Billiard rooms existing at the date of passage of the By-law will be exempt from the 300 m distance requirement. Therefore, the alteration, extension or enlargement of existing billiard rooms will be permitted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Planning and Development Committee

  Planning and Development Committee, at their meeting of November 2, 1994, directed the Planning and Development Department to report back to the Committee on the Department's planning approach and restrictions to billiard rooms.

- By-law No. 78-184

  Billiard rooms are a permitted use in the "G-1", "G-2", "HH", "I", "J", "K" and "M-13"

Districts. On July 28, 1978, City Council passed By-law 78-184, which removed, among other uses, billiard rooms as a permitted use within the "H" (Community Shopping and Commercial, etc.) District as there are spill-over effects from these uses which include: noise, on-street parking, and headlight glare. This situation arises within the "H" District as "H" zoned lands front on arterial roads and abut low-density residential lands at the rear (typically single detached dwellings). Billiard rooms existing at the date of passing of By-law 78-184 were allowed to continue under the By-law. The By-law received Ontario Municipal Board approval on April 6, 1979.

- Existing Facilities

There are 30 licensed billiard rooms in the City of Hamilton (see APPENDIX "A"). The Clerk's Department has advised that there are no outstanding complaints regarding any of the existing licensed billiard rooms. There were problems associated with one billiard room but that establishment is no longer in operation.

The majority of the billiard rooms are located in the "H" District and 76.5% of the billiard rooms are located below the mountain. A breakdown of billiard rooms by zoning district is presented below:

District	No. of Billiard rooms	
"G-1" (Designed Shopping Centre) District	4	(13.3%)
"G-2" (Regional Shopping Centre) District	0	(0.0%)
"H" (Community Shopping and Commercial, etc.) District	13	(43.3%)
"HH" (Restricted Community Shopping and Commercial) District	3	(10.0%)
"I" (Central Business District, etc.) District	5	(16.6%)
"J" (Light and Limited Heavy Industry, etc.) District	1	(3.3%)
"K" (Heavy Industry, etc.) District	0	(0.0%)
"M-11" (Prestige Industrial) District	1	(3.3%)
"M-13" (Prestige Industrial) District	2	(6.6%)
"U" (University) District	1	(3.3%)
TOTAL	**30**	**(100.0%)**

- Zoning Applications

Between 1990 and 1994, five (5) applications for three (3) different properties were made to permit a billiard room in the "H" District. Of the five applications made, three were denied, one was approved as a temporary use and was subsequently approved by the Planning and Development Committee as a permitted use. A summary of the applications is presented below:

- Zoning Application 90-10 (314-318 Queenston Rd.)

At its meeting of March 21, 1990, the Planning and Development Committee adopted a recommendation to deny Zoning Application 90-10 for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a penny arcade and a billiard room in the basement of the existing building at 314-318 Queenston Road. City Council, at its meeting of March 27, 1990, adopted the recommendation of the Planning and Development Committee.

The applicant appealed the decision of City Council to deny ZA-90-10. On June 18, 1991, an Ontario Municipal Board (OMB) hearing was held to consider this matter at which time the Board reserved its decision. On August 9, 1991, the OMB dismissed the appeal on the grounds that, "the requested extensions of uses to the subject site is not appropriate and does not represent good planning".

- Zoning Application 91-11 (324 Queenston Rd.)

At its meeting of May 22, 1991, the Planning and Development Committee denied Zoning Application 91-11 for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a billiard room on the ground floor of the existing building at 324 Queenston Road. City Council, at its meeting of May 28, 1991, adopted the recommendation of the Planning and Development Committee.

- Zoning Application 91-80 (314-318 Queenston Rd.)

At its meeting of February 5, 1992, the Planning and Development Committee denied a second zoning application to permit a billiard room in the basement of the existing building at 314-318 Queenston Road. City Council, at its meeting of February 11, 1992, adopted the recommendation of the Planning and Development Committee.

- Zoning Application 93-33 (303 York Blvd.)

  At its meeting of November 24, 1993, the Planning and Development Committee denied a zoning application for a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the second floor of the existing building at 303 York Boulevard.

  Council subsequently approved a temporary use by-law to permit a billiard room for a one year time period. The temporary use by-law was appealed to the OMB. The OMB dismissed the appeal as no concrete evidence was presented at the dismissal hearing in favour of the appeal.

- Zoning Application 94-25 (303 York Blvd.)

  At its meeting of November 2, 1994, the Planning and Development Committee approved Zoning Application 94-25 for a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the second floor of the existing building at 303 York Boulevard. The By-law was passed on 31 January, 1995 and came into effect on 2 March, 1995.

The three zoning applications to permit a billiard room in the "H" (Community Shopping and Commercial, etc.) District were denied for the following reasons:

1. The zoning applications conflicted with the Official Plan in that adequate parking could not be provided on site and that no mitigative measures were proposed to adequately buffer the proposed billiard room use from adjacent low density residential areas.

2. Insufficient on-site parking to accommodate the proposed use. Potential for on-street parking to become a nuisance.

3. Conflicted with the intent of By-law No. 78-184 which specifically excludes billiard rooms from the "H" District due to concerns regarding nuisance factors and spill-over effects (eg loitering, noise, parking on adjacent residential streets, headlight glare).

4. The proposed billiard rooms were in close proximity to schools which could result in problems such as loitering and truancy. Given that the Zoning By-law cannot prohibit/restrict users (i.e. minors) and/or ensure proper management of such facilities, the City Licensing Division in response to zoning applications has advised that they have experienced problems such as complaints from parents and teachers about children being truant from school when billiard rooms are located in close proximity.

5. There is an adequate supply of lands within the City that are appropriately zoned to permit billiard rooms.

6. Approval would encourage other similar applications, which if approved would undermine the intent of the Zoning By-law.

7. The applications conflicted with Council adopted policy which was not to permit new billiard rooms in the "H" District.

SUMMARY OF SURVEY FINDINGS:

Based on a survey of zoning regulations in surrounding municipalities, the general consensus is that billiard rooms are being repositioned in the market place in an effort to change their image (see APPENDIX "B"). The Clerk's Department has advised that at the present point in time there are no outstanding complaints regarding any of the existing licensed billiard rooms.

All of the municipalities contacted permit billiard rooms. However, billiard rooms are generally restricted to the downtown area, industrial areas and higher order commercial land use zones along arterial roads that are characterized as being destination oriented as opposed to serving the immediate needs of the local residents. The approach to regulating billiard rooms in other municipalities is consistent with that of the City of Hamilton whereby billiard rooms are restricted to locations along major arterial roads, the downtown area and industrial areas.

The City of Burlington classifies billiard rooms as a recreational use and permits them in the same zones as motion picture theatres and bowling alleys. In addition, several billiard rooms have been permitted by the Committee of Adjustment whereby the billiard room was considered to be a "like use" to the range of permitted uses.

The Town of Oakville permits billiard rooms in arterial commercial zones, except where the zone abuts a residential zone. The Town of Oakville has advised parking is a major issue given that a billiard room generates a significant amount of vehicular traffic.

OPTIONS:

Based on a review of the existing zoning regulations, zoning applications and the experiences in other municipalities, there are two options regarding billiard rooms. The options are:

- to maintain the prohibition in "H" District; or,
- to amend the zoning by-law to permit billiard rooms in the "H" District.

The first option (maintain the prohibition of billiard rooms in the "H" District) maintains previously adopted Council policy that billiard rooms are not an appropriate as-of-right land use in the "H" District. Under this option, proponents would be required to make an application for a site-specific amendment to Zoning By-law 6593 for each proposal. This would provide an opportunity for a detailed review of the suitability of a site for a billiard room and appropriate mitigating measures could be identified.

The second option would be to amend the zoning by-law to permit billiard rooms in the "H" District, with or without special requirements. Special requirements such as a minimum distance separation from schools could be established. This approach has been utilized to regulate the location of penny arcades and gun shops.

In order to regulate the location of penny arcades, it is City Council policy to require the proposed penny arcade to be at least 150 m (492 ft) from an existing penny arcade and 300 m (984.3 ft) from a school. For gun shops, the proposed gun shop must be a minimum of 300 m (984.3 ft) from a school.

The intent of a minimum distance separation requirement is to reduce the probability of students being truant from school when billiard rooms are located in close proximity. The Clerk's Department did not support the previous rezoning applications because they have experienced problems such as complaints from parents and teachers about children being truant from school when billiard rooms are located in close proximity. As such, a minimum distance separation requirement would address this concern should Council decide to permit billiard rooms in the "H" District. However, it should be noted that the most recent application approved by the Planning and Development Committee and Council (ZAC-94-25, 303 York Blvd.) would have been precluded due to the proximity of the billiard room to a school.

There are 13 licensed billiard rooms in "H" Districts. All 13 are located within 300 m of an elementary or high school. Under the provisions of Section 14.(6)(iii) of Zoning By-law No. 6593 billiard rooms in existence at the time of passage of Bylaw No. 78-184 are legal uses in that the Zoning By-law permits the alteration, extension or enlargement of these uses. However, should Council permit billiard rooms as-of-right in the "H" District subject to a 300 m distance separation requirement from a school and delete the provisions of Section 14.(6)(iii), then the existing billiard rooms would become legal non-conforming uses. As such, if billiard rooms were deleted from Section 14.(6)(iii), then any expansion of the billiard would require either a modification in zoning or approval from the Committee of Adjustment. In order to address this situation, a special provision could be provided in the Zoning By-law that would permit the alteration, enlargement or extension of the existing billiard rooms as-of-right.

In those situations where a billiard room is proposed within 300 m of a school, the proponent could apply for a modification in zoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment. This would allow for a review of any proposed billiard room on its merits.

If the Zoning By-law is amended to permit billiard rooms in the "H" District, then a billiard room would only be permitted if there is adequate on-site parking to accommodate the proposed use.

Previous zoning applications (ZAC-90-10, ZAC-91-11 and ZAC-91-80) were denied for, among other reasons, there was insufficient on-site parking to accommodate the proposed billiard room. However, both the Traffic Department and Roads Departments had no objection to the establishment of a billiard room at 303 York Blvd. (ZAC-93-33 and ZAC-94-25) as sufficient on-site parking is available. As such, prior to the issuance of a business license, any proposal to establish a billiard room is reviewed for conformity with the applicable provisions of the Zoning By-law.

PREFERRED OPTION:

After reviewing the possible options for billiard rooms and based on the experiences in other municipalities, the preferred option is to permit billiard rooms in the "H" District subject to the requirement that the billiard room be a minimum of 300 m from the lot line of any school. In order to implement the preferred option, Subsection 14.(1) of Zoning By-law 6593 should be amended to permit billiard rooms subject to the following special provision:

1. A radial separation distance of not less than 300 m. shall be provided from the lot line of the billiard room to the lot line of any school.

Under the provisions of Subsection 14.(6) of the Zoning By-law, the alteration, enlargement and extension of 12 of the 13 billiard rooms in the "H" District are permitted. In order that the legal status of these billiard rooms remains, it is necessary to amend Subsection 14.(6) of the Zoning By-law to delete billiard rooms from the list of prior existing uses. In addition, Council has recently approved a change in zoning at 303 York Blvd. to permit a billiard room. As such, Subsection 14.(1) of Zoning By-law No. 6593, should be amended to permit the alteration, expansion or enlargement of the 13 existing billiard rooms, notwithstanding the 300 m radial separation requirement.

CONCLUSION:

Based on the foregoing, City Initiative 94-G can be supported.

SR/sr
CI94-G.POL

APPENDIX "A"

Billiard Hall	Municipal Address	Map No.	Neighbourhood	Zoning
Pipeline/Crobar Niteclub	1605 Main St. W.	1	Ainslie Wood	"J" District
Whitney Billiard Lounge	1829 Main St. W.	4	Ainslie Wood West	"G-1" District
Academica Hall	242 James St. N.	10	Beasley	"H" District
Golden Que Billiards	95 King St. E.	10	Beasley	"I" District
Breaking Away	233 King St. E.	10	Beasley	"I" District
Karrum Amusement Ltd.	79 King St. E.	10	Beasley	"I" District
Karrum Amusement Ltd.	61 King St. E.	10	Beasley	"I" District
Central Billiards	229 James St. N.	21	Central	"H" District
McMaster Students Union Inc.	1280 Main St. W.	29	Cootes Paradise A	"U" District
Tailgate Charlies	69 John St. S.	31	Corktown	"I" District
Celebrity Billiards Inc.	1227 Main St. W.	34	Crown Point East	"H" District
Tux Billiards	146 Ottawa St. N.	34	Crown Point East	"H" District
Main Billiard Lounge	1101 Main St. E.	35	Crown Point West	"H" District
Brainwaves Billiards	640 Barton St. E.	48	Gibson	"H" District
Sportsway Billiards	4 Kenilworth Ave. N.	66	Homeside	"H" District
Dundurn Diner & Sports Lounge	219 Dundurn St. S.	92	Kirkdall North	"H" District
M & J Billiards	225 Parkdale Ave. N.	105	Normanhurst	"H" District
Golden Billiards	200 Centennial Pkwy N.	115	Riverdale West	"G-1" District
Q-Club Cafe & Billiards	140 Centennial Pkwy N.	115	Riverdale West	"HH" District
Club Fun	82 Centennial Pkwy N.	115	Riverdale West	"HH" District
Shooters Billiards & Games	1157 Rymal Rd. E.	120	Rymal	"M-11" District
Boulevard Billiards	303 York Blvd.	127	Strathcona	"H" District
Whisky Joe's	1115 Fennell Ave. E.	128	Sunninghill	"H" District
Sherwood Centre/Fenwood Development	1095 Fennell Ave. E.	128	Sunninghill	"H" District
Centrespot Bar & Eat	1070 Stone Church Rd. E.	129	Templemead	"G-1" District
The Hamilton Roller Gardens Ltd.	1215 Stone Church Rd. E.	131	Trenholme	"M-13" District
Foxx Billiards	1249 Stone Church Rd. E.	131	Trenholme	"M-13" District
Club 101 Billiards	625 Greenhill Ave.	132	Vincent	"G-1" District
Stan's Place	918 Main St. W.	136	Westdale South	"H" District
The End Pocket	970 Upper James St.	137	Yeoville	"HH" District

APPENDIX "B"

MUNICIPALITY	CLASSIFICATION	PERMITTED ZONES	COMMENTS
Ancaster	"Billiard Parlour"	C3 Zone (General Commercial)	
Burlington	"Recreation Use"	CH & CHR Zone (Highway Commercial) CS & CRS Zone (Shopping malls) CC2 Zone (Downtown) MB2 & MB7 Zones (Industrial)	Treated as a recreational use similiar to bowling alley, atheletic club or a motion picture theatre. Have been permitted as the result of CofA approvals where billiard hall is seen as a "like use" to range of permitted uses
Flamborough	"Places of Entertainment"	Urban Commercial Zone Settlement Commercial Zone Business District	Permitted use along arterial roads such as Hwy. No. 5 in Waterdown
North York	"Billiard Parlour"	C1 Zone (General Commerical) C2 Zone (Local Shopping Centre) C3 Zone (District Shopping Centre)	Permitted in higher order commercial zones
Oakville	"Billiard Parlour"		Permitted in the downtown core and in arterial commercial areas but prohibited in the zone abuts a residential zone Parking is a problem - do you use a base rate or restaurant rate which has a higher parking standard? Prohibited in malls. Permitted in industrial areas (limited to M5 Zone)
Stoney Creek	"Amusement Centre"	GC Zone (Genéreal Commercial) CA1 Zone (Central Area) SC2 Zone (Shopping Centre)	

Copy to: V. Abraham - Director of Local Planning; L. King - Building Commissioner; A. Zuidema - Law Office - March 16/95 /s.glover - Sec.P & D.

4.

HAMILTON-
HALTON
HOME
BUILDERS'
ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E., Han
Tel. 575-3344 or 6

March 8, 1995

OFFICE OF THE CITY CLERK
MAR 1 3 1995
REC. BY ..... DATE .....
REF'D TO ..... DATE .....
REF'D. TO S.G. DATE .....
REF'D. TO ..... DATE .....
ACTION: E.V.A.

City of Hamilton
Office of the Alderman
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Alderman Don Drury
Planning & Development Committee Chairman

Dear Chairman Drury:

Re: Planning & Development Application User Fees

As a Director of the Hamilton-Halton Home Builders' Association and on behalf of Mr. Larry Szpirglas, President of the Home Builders' Association, we are requesting to appear as a delegation at the Planning & Development Committee meeting of March 22, 1995.

We would like to review the issue of Councils most recent decision to increase the planning application fees to over 250% of the present fee structure. As an Association we did not receive any information nor were we consulted to review the matter with your Staff. This increase will not only effect the applications from the private sectors but also the numerous internal applications initiated by the Municipality.

Can you please confirm our delegation via the Hamilton-Halton Home Builders' Association. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

S. Manchia / sg

Sergio Manchia, B.A.
Development Council Chairman

cc: Clerks Department

CITY OF HAMILTON

5

- RECOMMENDATION -

DATE: 1995 March 16

REPORT TO: S. Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: User Fees - Planning

RECOMMENDATION:

That the interim fee adjustments for "Rezoning" and OMB Hearing fees in the 1995 Current Budget effective April 3, 1995, as set out under Item No. 17) of Appendix "A" to Section 1 of the FIRST Report of the Committee of the Whole for 1995 be deferred.

V.J. Abraham

BACKGROUND:

On March 2, 1995, a Special City Council Meeting was held to consider the FIRST Report of the Committee of the Whole respecting "Current Budget Update and User Fees".

In this regard, Council approved the following recommendation:

"1. That the interim fee adjustments as outlined in Appendix "A", as amended be approved for inclusion in the 1995 Current Budget effective April 3, 1995..."

Appendix "A" which is the proposed "Schedule of User Fees" sets the 1995 Fee for rezoning at "Full Cost". However, 1 and 2 family residential are to remain at 1994 levels (see attached APPENDIX "A"). Confusion arises as to what is meant by "Full Cost", in that under the "Cost/Revenue Summary" for planning prepared by DMG & Associates, Ltd. (see attached APPENDIX "B") it could be the "FULL COST" ($418,602 - 2nd column) or the "FULL COST PER UNIT" ($5,232.52 - 8th column).

Implementation of the "FULL COST" fee is dependent on Council's understanding of whether they were applying a "Cost Allocation" methodology or a "Unit Cost Basis". Furthermore, this is compounded by the fact that there has been some confusion in the actual number of "CURRENT UNITS" (80 -7th column) as a result of double counting the 1994 Budgeted Units (ie. Routine - 29; Complex - Phase I, 29 and Phase II, 22), whereas 40 are projected for 1995 (Routine - 15; Complex - Phase I, 25 and Phase II, 14).

More specifically, if Council's intent was to apply "FULL COST" on a "Cost Allocation" basis then the fee per application would be approximately $10,465 ($418,602 ÷ 40) which is neither realistic nor fair. Whereas, on a "Unit Cost Basis" the "FULL COST" of service would be reduced to $209,300 ($5,232 x 40). The implications for "Current Budget" are self-explanatory. For the information of Committee, Planning staff consulted with DMG and were advised that for their purposes "FULL COST" is on a "Per Unit Basis" (ie. $5,232).

The issue is further confused by the fact that the DMG Report does not differentiate between "Routine" and "Complex" applications or provide for phasing (ie. Phase I and II) as per current Council policy.

Furthermore, the intent of excluding "1- and 2-family residential which remains at 1994 levels" needs clarification. It is assumed it is meant to retain the differentiation between "Routine" and "Complex", however other interpretations have been put forward and need to be investigated in further detail.

Also the issue of OMB Hearing fees needs to be reviewed by the Law Department. Further clarification of this fee was requested.

Accordingly, it would be appropriate to request Council to defer implementation of the "Interim Planning Fees" for rezoning and OMB Hearings pending clarification of the foregoing issues. In this regard, the 1995 Fees for several other Departments (e.g. Building) are still under review.

SCHEDULE OF USER FEES

Item No.	Department	1994 Fee	1995 Fee
	Traffic		
12)	Private Parking Lot Inspections	48.33	60.00 *
	** and increased by the rate of inflation annually*		
13)	On–Street Parking Permits – Reserved	12.00	24.00
	(except for On–Street Disabled spaces where there will be no charge)		
	Treasury		
14)	N.S.F. Cheque Fee	17.00	25.00
15)	Tax Registration		
	– First Year	615.00	615.00
	– Second Year	0.00	400.00
		615.00	1,015.00
16)	Extension Agreement	0.00	150.00
	Planning		
17)	Rezoning – Routine	865.00	Full Cost
	– Complex – Phase 1	1,120.00	Full Cost
	– Complex – Phase 2	610.00	Full Cost
	(does not include 1– and 2–family residential which remains at 1994 levels)		
18)	Official Plan Act – Phase 1	1,120.00	1,950.00
19)	Official Plan Act – Phase 2	610.00	1,925.00

SCHEDULE OF USER FEES

Item No.	Department	1994 Fee	1995 Fee
	Planning		
20)	Site Plan Control	1,020.00	2,040.00
	Site Plan Amendment	410.00	810.00
21)	Subdivision – Simple	560.00	1,950.00
22)	Subdivision – Complex	1,020.00	2,500.00
23)	Condos	560.00	1,400.00
24)	Revision to Subdivisions /Condos	355.00	750.00
25)	Part Lot Control	300.00	360.00
26)	Street Name Change	3,700.00	4,155.00
27)	Property Report	40.00	80.00
28)	Rental Housing Protection Act		
	– Phase 1	1,000.00	Full Cost
	– Phase 2	250.00	Full Cost
29)	OMB Hearing	Varies	Referred to P & D
	Roads Department		
30)	Simple MSA (Modified Subdivision Agreement)	0.00	Referred to Management Team
31)	Complex MSA (Modified Subdivision Agreement)	0.00	2,000.00 + 100/lot
32)	Phase 2 Subdivisions	0.00	3,000.00 + 100/lot

CITY OF HAMILTON, ONTARIO
COST / REVENUE SUMMARY

SERVICE FEES	FULL COST	CURRENT REVENUE	DIFFERENCE	PERCENT OF COST RECOVERY	CURRENT RATE	CURRENT UNITS	FULL COST PER UNIT	RECOMM. FEE	PROPOSED ADD'TL REVENUE
PLANNING:									
REZONING	$418,602	$70,985	($347,617)	16.96%	VARIES	80	$5,232.52	50% INCREASE	$3,325
O.P.A.-PHASE I	$13,678	$7,840	($5,838)	57.32%	$1,120.00	7	$1,954.03	$1,950.00	$1,910
O.P.A.-PHASE II	$13,459	$4,270	($9,189)	31.73%	$610.00	7	$1,922.71	$1,925.00	$5,355
SITE PLAN / AMENDMENT	$214,099	$51,870	($162,229)	24.23%	VARIES	67	$3,195.51	100% INCREASE	$20,130
S/D - SIMPLE	$5,852	$1,680	($4,172)	28.71%	$560.00	3	$1,950.69	$1,950.00	$4,170
S/D - COMPLEX	$2,493	$1,020	($1,473)	40.92%	$1,020.00	1	$2,492.67	$2,500.00	$1,480
CONDO	$4,199	$1,680	($2,519)	40.01%	$560.00	3	$1,399.67	$1,400.00	$2,520
REV. TO S/D / CONDOS	$749	$355	($394)	47.40%	$355.00	1	$748.94	$750.00	$395
DRAFT S/D EXTENSION	$182	$180	($2)	99.11%	$180.00	1	$181.61	NO INCREASE	$0
PART LOT CONTROL	$1,604	$1,500	($304)	83.15%	$300.00	5	$360.80	$360.00	$400
STREET NAME CHANGE	$4,154	$3,700	($454)	89.07%	$3,700.00	1	$4,154.25	$4,155.00	$455
PROPERTY REPORT	$908	$480	($428)	52.86%	$40.00	12	$75.67	$80.00	$480
R.H.P.A.	$50,386	$7,400	($42,986)	14.69%	VARIES	8	$6,298.25	100% INCREASE	$100
CONDO CONVERSIONS	$4,075	$3,850	($225)	94.48%	VARIES	3	$1,358.29	NO INCREASE	$0
OMB HEARING	$20,768	$0	($20,768)	0.00%	NO FEE	10	$2,076.80	$2,100.00	$12,600
TOTALS	$755,407	$156,810	($598,597)						$53,320

NOTE: THE PROJECTED ADDITIONAL REVENUE IS BASED ON 1995 PROJECTED UNIT AND NOT 1994 ACTUAL.

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 March 15

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

L.C. King, P.Eng.
Building Commissioner

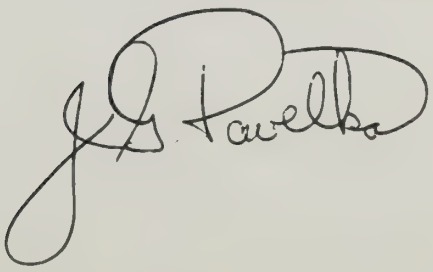
SUBJECT: Integration of Local Planning and Building Department (95.2.4.2.1.A)

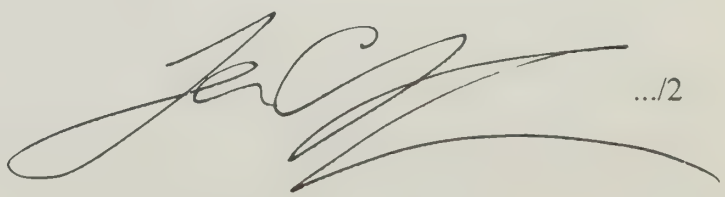
RECOMMENDATION:

1. a) That the Local Planning and related services be provided by the integrated Department of Planning Development and Building effective 1995 April 3 in accordance with the initial organization structure as shown on Schedules A, B, C, and D; and,

   b) That the Building Commissioner be authorized and directed to review all procedures and processes within the Department of Planning Development and Building with the view of restructuring the Department to achieve savings, improve efficiency, and improve customer service; and,

   c) That the attached schedule of employees on Schedule "E" be offered the opportunity to transfer from the Region to the City of Hamilton payroll and their seniority date with the Region of Hamilton-Wentworth be recognized by the City of Hamilton, and that they retain their existing position titles and classifications until the restructuring is completed.





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FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The 1995 Maintenance budget of the Department of Planning Development and Building will be reduced by $200,530. on an annualized basis and a minimum of two full time employees will be eliminated.

The Net Budget of the Regional Planning Department has also been reduced by $133,950. due to this approach which saves City taxpayers $95,385. (71.21%) on their Regional levy.

The total savings to City taxpayers on both their Regional and City levies amount to $295,915.

BACKGROUND:

On 1993 February 23, the Committee of the Whole authorized the Chief Administrative Officer to undertake a review of Planning Services purchased from the Region. The Planning and Development Committee at their meeting of 1994 February 16, requested the Chief Administrative Officer to investigate the merits of moving Planning back to the City.

On 1995 February 14, City Council passed the following resolution:

> "That the arrangement with the Region of Hamilton-Wentworth for the City's planning service, as it currently exists, be discontinued.
>
> That the City of Hamilton provide its own planning and related development services directly.
>
> That staff, under the direction of the Chief Administrative Officer, submit the appropriate implementation plan for the direct service provision, minimizing any negative impact on the current employees and the budget of both corporations, for the March meeting of the Planning and Development Committee."

DISCUSSION:

The purpose of the newly created Department is to achieve its primary function of providing City Council with independent professional Planning advice, enforcement of the Ontario Building Code, and other by-law enforcement while at the same time providing a high level of customer service satisfaction in an efficient and cost effective manner.

.../3

The above recommendation involves implementation in two phases. The first phase is simply to integrate the Building Department with Local Planning. In this step, savings in the amount of $100,530 have been identified. These savings are identified on "Appendix A", and consist primarily of administrative savings which are achieved by using existing staff in the Building Department to provide administrative support to Planning in lieu of paying the Region to provide this service. These savings were achieved in spite of absorbing the $35,150. cost of PARCIL which was previously paid for by Regional Planning.

The second phase will result in savings estimated at $100,000. This phase involves examining all processes within the newly combined Department with the goals of providing improved customer service and particularly one stop shopping and secondly to achieve budgetary savings by improving efficiency. This will result in a further redesigned service delivery.

As part of the report on restructuring required by Phase II all positions affected by the amalgamation of Building and Planning or the restructuring will be identified in order that their positions may have new job descriptions prepared and have them evaluated.

As part of the Department's restructuring, the Department will survey its customers and interview as many as possible. The process to be examined would include the following:

- Site Plan Control
- Rezoning and Official Plan Amendments
- Circularization - Zoning and Committee of Adjustment
- Subdivision control
- Building Permit issuance
- Demolition Control
- Heritage Planning and LACAC support
- Loans Administration
- Committee of Adjustment - variances
- Reception
- Monitoring Neighbourhood Maps & Zoning Maps
- Filing Administration

.../4

It is anticipated that small working groups would be established to review existing processes basically on a continuous improvement process. Employee representatives of each of the affected areas will be involved in the process. The customers will also be invited to participate. This is the same process that has been carried out in the Customer Services and Field Services Division of the Building Department.

Some areas identified for potential savings are as follows:

1) Eliminate the duplication of files - Building and Planning maintain separate filing systems.

2) Reception - both Building and Planning maintain a receptionist to deal with walk-in customers.

3) Mapping - Building presently maintains Zoning Maps. Technical and Cartography maintain neighbourhood maps. Technical and Cartography should maintain both and examine potential for amalgamating both sets of maps.

4) One Stop Shopping - The customer should only have to deal with one person, that person could assist them through the entire development process until completion of the project. This will also improve efficiency, in that the customer will not have to explain his predicament to numerous staff.

5) Cross-Training of staff will provide more flexibility in the combined Department to respond to changes in workloads. This is important as construction activity and development activity fluctuates. The staff in the combined Department are well educated and highly motivated. Existing staff include Planners, Engineers, Technologists, and Technicians.

If, after completing the second phase, any position is found to be redundant, there are opportunities to utilize such staff elsewhere in the Department. There is $250,000. in the Capital Budget to update the City's Official Plan. This for the most part, could be done by existing staff.

With cross-training provided, it may be possible for staff to move about in the new Department. For example, Customer Service Representatives and Zoning Correlators could assist planners in doing research. Planners and Planning Technicians could assist in Zoning Administration. This type of cross-training would give the Department flexibility to respond to changing workloads while at the same time giving staff career development opportunities.

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The savings achieved in Regional Planning were identified by Mr. J. Thoms, Commissioner of Planning and Development in his report dated 1995 February 22 to the Economic Development and Planning Committee wherein he states "In Summary, revenues to the Regional Planning Operation have been reduced by $289,850. as a result of separating the two functions." This results in a net savings of $133,950.

The one area of concern identified during our investigation of the proposed integration is the need to maintain the independent planning advice that Council requires. Phase I maintains Planning as a separate Division within the Building Department and it is anticipated that the Director of Local Planning will continue to sign reports as he currently does and also attend the Planning and Development Committee and City Council in order to provide his independent planning counsel. Director of Local Planning will also continue as Chairman of the Downtown Revitalization Subcommittee.

In the Phase II restructuring, any further changes to the organization must ensure that Professional Planning advice to the Planning and Development Committee and Council is not compromised.

It should be noted that in the following municipalities, the Building Department and Planning Department are combined as one department: Scarborough, Mississauga, Brampton, Markham, Richmond Hill, Kitchener, and Waterloo.

CLIENTS:

The Building Department regularly meets with its customers through its Building Liaison Committee. On being advised of the proposed integration of Building and Planning, the Hamilton-Halton Home Builders' Association indicated their strong support. They are particularly interested in one stop shopping and reduced costs. The Hamilton Construction Association is very pleased with the excellent process used to reorganize the Building Department, and indicate they would urge upon City Council and the Building Commissioner that "the same care and successful process be applied in this instance."

UNION - LOCAL 167

The employees of the Local Planning Division have expressed concern about what is happening and have questioned how they will be affected. Accordingly, Mr. Pavelka and Mr. King have met with them on several occasions to explain what is happening. In particular, Local 167 has been anxious on behalf of their membership. However, since their meeting with the Chief Administrative Officer and the Building Commissioner, Local 167 have met and have forwarded the attached letter dated February 28, 1995 confirming that the regional employees affected will carry their seniority with them on transfer to the City.

JSP/LCK/sb/mm/dm
attach
c.c. - J. Thoms, Commissioner, Planning and Development
- J. Johnston, Commissioner of Human Resources
- V. Abraham, Director of Local Planning and Development

Appendix "A" 95-03-10

Estimate of "Potential Savings" from the proposed amalgamation of the Bldg. Dept and the Local Planning Branch–City of Hamilton

A. Breakdown of '95 Budget by section:

	1995 Budget
(I) Administration	167,880
(II) Local Planning	1,478,540
(III) Tech and Cart.	288,740
	$1,935,160

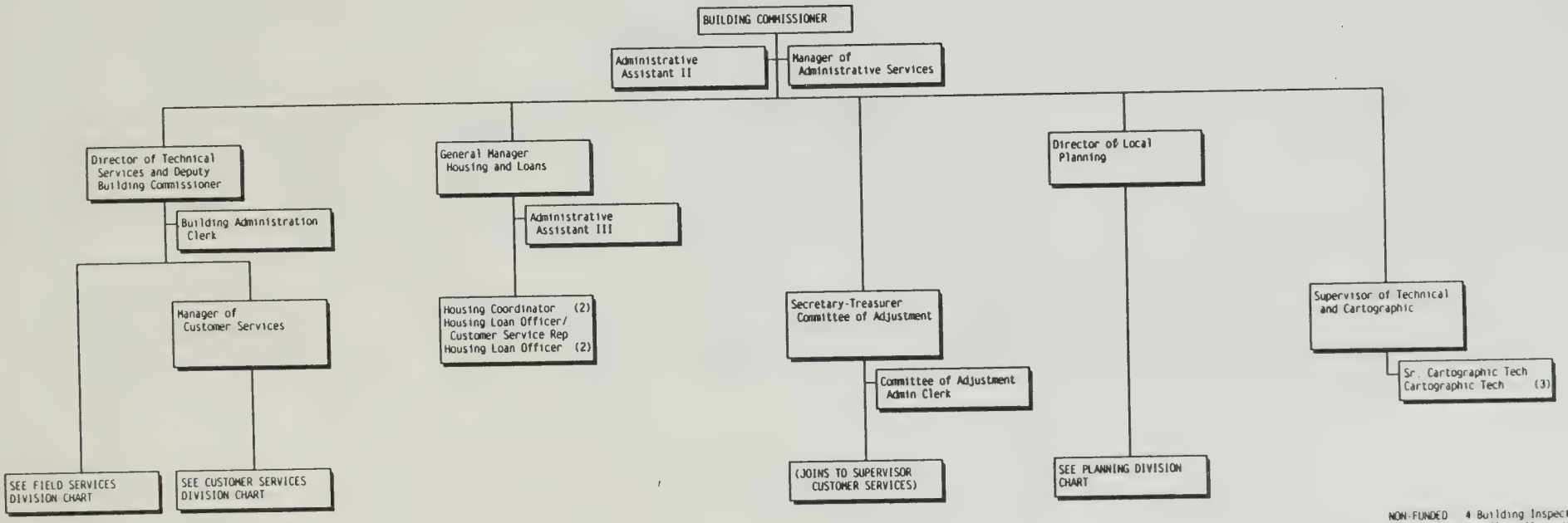
B. Estimate of savings by Section:

		1995 Budget	Potential Savings	Reason	Remarks
(I) Administration	*Salaries & Wages*	59,600	59,600	Represents 20% charge–back of 5 Reg. admin. staff	
	Benefits	10,800	10,800	Represents 20% charge–back of 5 Reg. admin. staff	
	Office Supplies	14,800	10,000	The $14,800 represents charge–back from the City Clerk's Service Section for printing services	Potential decrease in Clerk's revenue
	Saving Subtotal:		**$80,400**		
	% saving compared to Section Budget		**47.9%**		
(II) Local Planning	*Salaries & Wages*	1,153,300	33,500	Include charge back from the Reg. re "Subdivision Administration and 2,000 in vacation pays.	
	Benefits	223,930	6,700	Corresponding saving in benefits (20% of above)	
	Saving Subtotal:		**$40,200**		
	% saving compared to Section Budget		**2.7%**		
(III) Tech and Cart.	*Salaries & Wages*	193,000	7,000	Represents $5,000 in summer emplymnt and $2,000 in OT	
	Benefits	39,130	4,800	Corresponding saving in benefits at 19%	
	Less:				
	Salaries & Wages		(25,600)	Absorb the other 50% of Fab's salary ($51,200 p.a.)	
	Benefits		(5,120)	Absorb the other 50% of Fab's benefits	
	Saving Subtotal:		**($18,920)**		
	% saving compared to Section Budget		**–6.6%**		
(IV) Others					
Building Dept	*Salaries & Wages*		27,500	Delete the Receptionist position from the CSR Division	Position vacant
	Benefits		6,500		
	Saving Subtotal:		34,000		
PARCIL	Parcil contributions		(35,150)	Region contributes to PACIL on an on–going basis. It used to absorb 100% of the contribution. Intends to intends to 50/50 with the Local Branch upon amalgamation	
	Saving Subtotal:		**($35,150)**		

Est. total savings (incl.PARCIL) **$100,530** (1)

Notes: (1) The $100,530 in total estimated savings does not include $109,370 in internal transfers comprised of
(a) $66,370 in annual accommodation costs presently paid to the City's Property Department.
(b) $43,000 in charge back presently paid the Information Department.

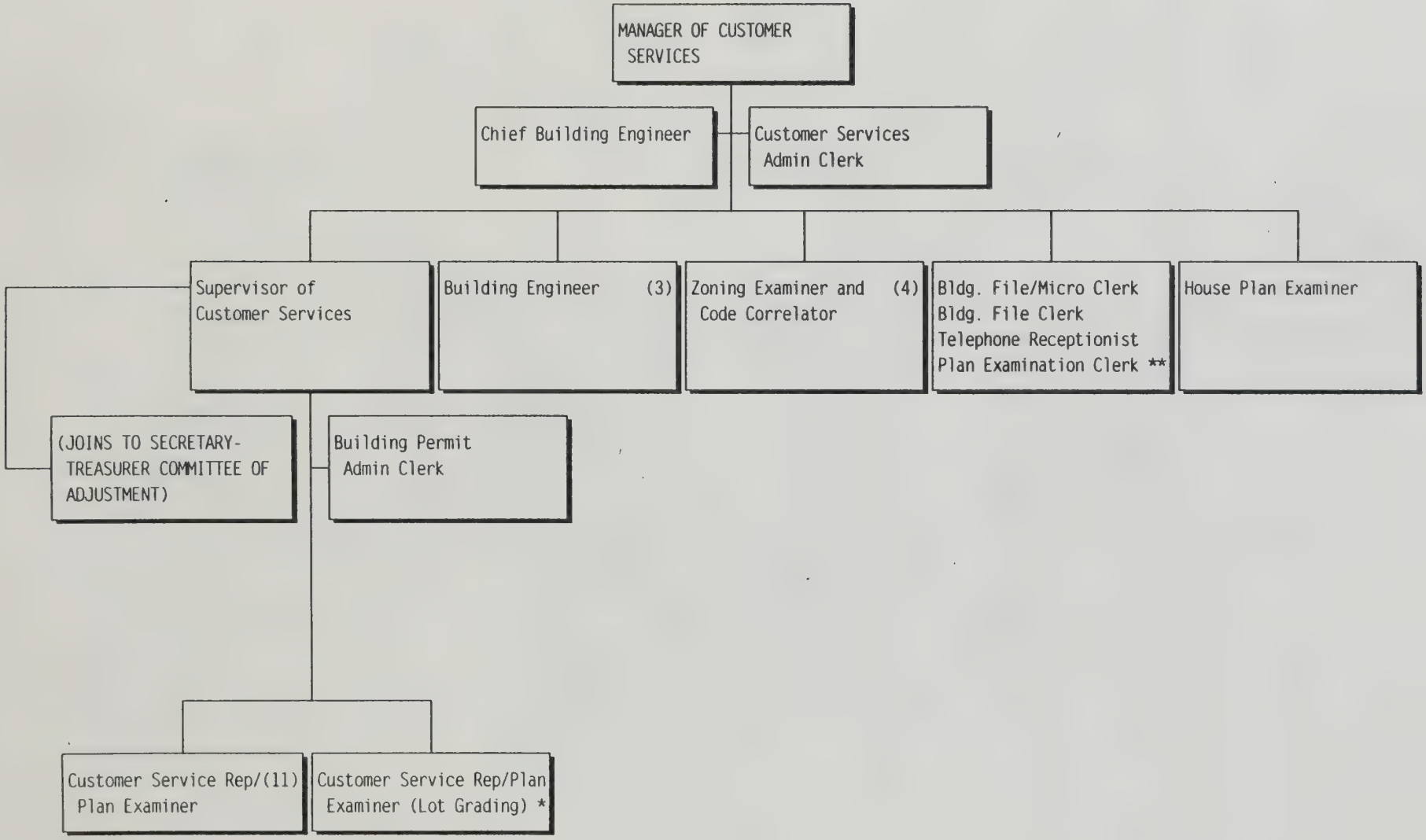
DEPART. OF PLANNING DEVELOP. & BUILDING
ADMINISTRATION
Schedule A



TOTAL STAFF COMPLEMENT - 112
(Number includes the non-funded positions at right & Technical/ Cartographic Section of Planning)

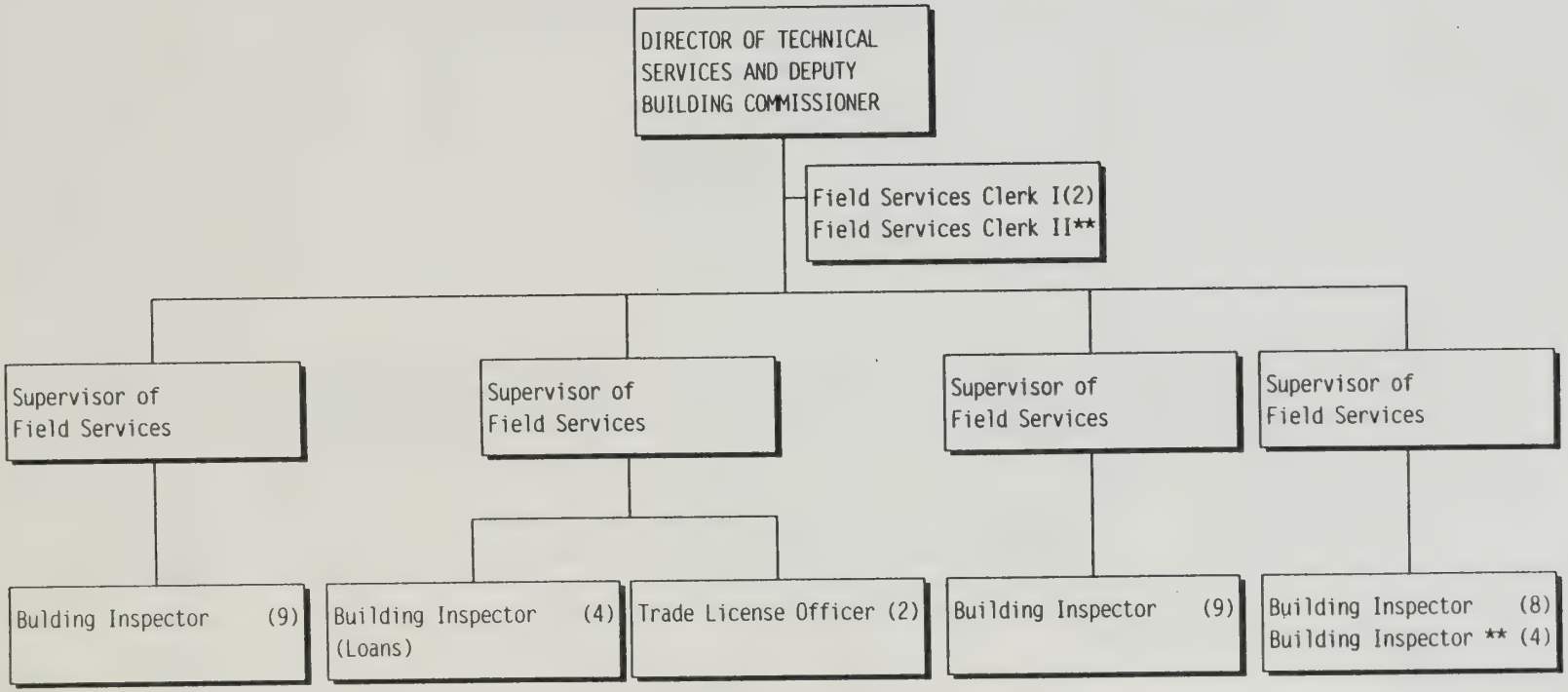
NON-FUNDED 4 Building Inspectors
1 Field Services Clerk II, and 1 Plan Examination Clerk
1995 March 15

DEPART. OF PLANNING DEVELOP. & BUILDING
CUSTOMER SERVICES DIVISION
Schedule B



** NON-FUNDED
1995 March 15

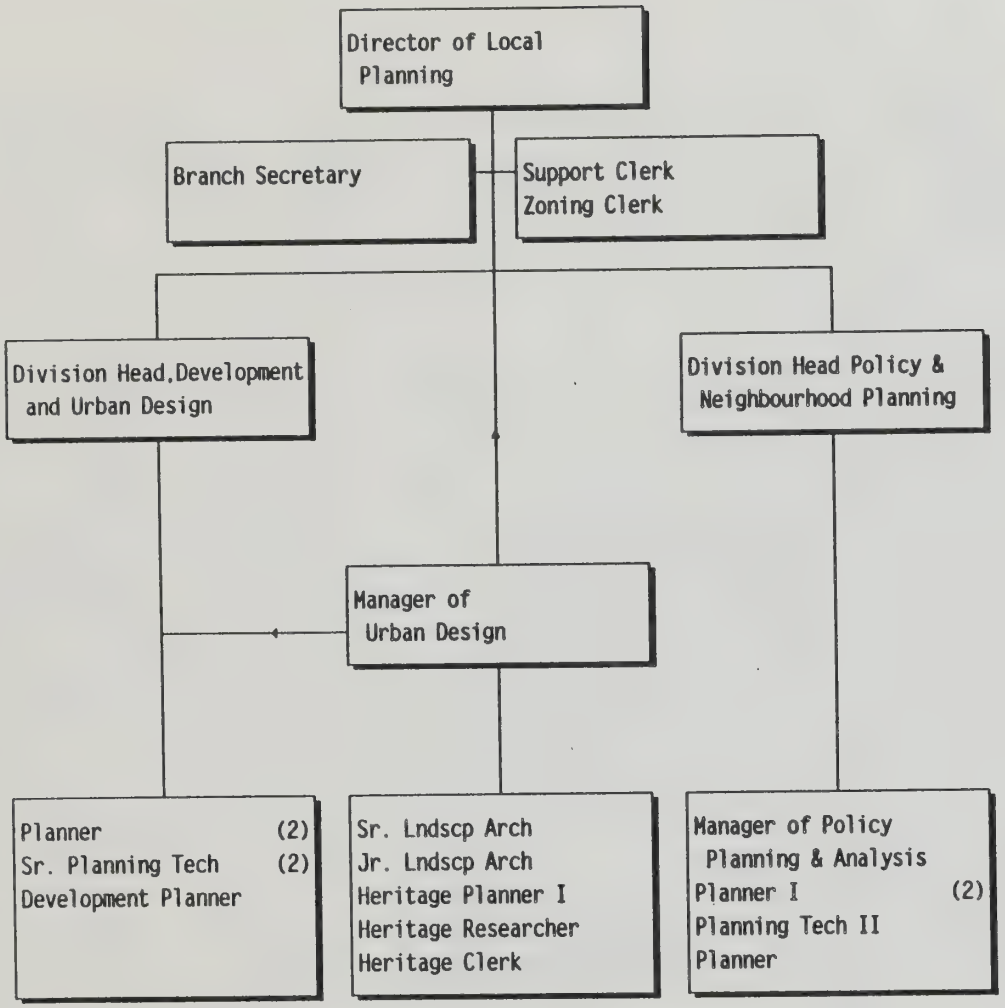
Depart. of Planning Develop. & Building
FIELD SERVICES DIVISION
Schedule C *



* (EFFECTIVE 1996 MARCH 1)

** NON-FUNDED
1995 March 15

DEPART. PLANNING DEVELOPMENT & BUILDING
PLANNING DIVISION
Schedule D



TOTAL STAFF COMPLEMENT - 22
(NB Technical/Cartographic shown on Administration - Schedule A
1995 March 15

SCHEDULE E

Local Planning Employees

ABRAHAM, Victor	Director of Local Planning
ANGELICI, Fab	Supervisor of Technical and Cartographic
BHARGAVA, Kewal	Junior Landscape Architect
BRAITHWAITE, Bill	Cartographic Technician
CHAPPLE, Nina	Heritage Planner I
DEPALO, Fran	Branch Secretary
DUBBELD, Joy	Heritage Clerk
EXTANCE, Keith	Planner I
FLOROFF, Caroline	Development Planner I
GILLESPIE, Ann	Heritage Researcher
GRAVINA, Joe	Planning Technician II
GRUPE, Vanessa	Planner
HICKEY-EVANS, Joanne	Manager, Policy Planning and Analysis
HOSTIUC, Nick	Senior Planning Technician
JANSSEN, Bill	Division Head, Policy and Neighbourhood Planning
KNOWLES, Zel	Senior Cartographic Technician
LAKATOS, Joe	Planner
LEE-MORRISION, Christine	Senior Planning Technician
LEGAULT, Derek	Cartographic Technician
LINSCHOTEN, Rosa	Cartographic Technician
MALLARD, Paul	Division Head, Development and Urban Design
MATUS, Vladimir	Manager, Urban Design
MIGNANO, Martha	Zoning Clerk
ROBICHAUD, Steve	Planner
SAKALA, John	Senior Landscape Architect
STARYK, Noella	Support Clerk
TANNER, Mary Lou	Planner I

HAMILTON-
HALTON
HOME
BUILDERS'
ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E., Hamilton, Ontario L8W 3N7
Tel. 575-3344 or 634-1200 Fax 574-3411

RECEIVED C.A.O.

DATE March 15/95

FILE No. 109-0002.15

LETTER No. 396-11

FILE

March 13, 1995

Mr. Joe Pavelka
Chief Administrative Officer
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Pavelka:

The Hamilton-Halton Home Builders' Association was pleased to see the recent decision by Hamilton City Council to bring planning functions back to the City from the Region.

The decision would appear to be a move in a direction to streamline the approval process for development. As you are aware, the home building industry depends on approvals such as rezonings, subdivision agreements, and land divisions for the creation of lots for home building.

By moving the planning process to the City and integrating it with the building department, there is a real potential for cost savings for the City and time savings for the industry.

As members of the Building Department Liaison Committee, please consider our Association as willing partners in developing and assisting in the proposed amalgamation.

Please feel free to call me at our office at 575-3344 for assistance and participation.

Thank you.

Yours very truly,

HAMILTON-HALTON HOME BUILDERS' ASSOCIATION

Larry Szpirglas
President

7.

CITY CLERK'S OFFICE

MEMORANDUM

****

TO: S. Glover, Secretary,
Planning & Development Committee

YOUR FILE:

FROM: J.J. Schatz,
City Clerk

OUR FILE:

SUBJECT: Zoning Application 93-37
986-998 Upper Wentworth Street

DATE: 1995 March 15

Please be advised that City Council at its meeting held 1995 March 14 referred Section 10 of the Eighth Report of the Planning and Development Committee for 1995, respecting the above noted matter, back to the Planning and Development Committee as follows:

"10. (a) That Section 15 of the First Report for 1994 of the Planning and Development Committee respecting the denial of Zoning Application 93-37 to permit additional restaurant uses within the existing shopping plaza, on lands located at 986-998 Upper Wentworth Street be rescinded; and,

(b) That Zoning Application 93-37 be approved; and,

(c) That the City Solicitor and Director of Local Planning be authorized to take the necessary action to withdraw the City's objections to the aforementioned rezoning."

Trusting that the above noted confirmation is of assistance to you.

cc: Ald. D. Drury, Chairperson, Planning & Development Committee
P. Noe Johnson, City Solicitor
V. Abraham, Director of Local Planning

JJS/sg

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 March 22nd
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee Meeting of 1995 March 8

B. **DIRECTOR OF LOCAL PLANNING**

Site Plan Control Application DA-95-01 for a Photography Studio and Residence at 71 Rymal Road West

C. **CITY SOLICITOR**

Seven Towers Non-Profit Family Day Care Inc., Zoning By-law 94-134 and City of Hamilton Official Plan Amendment No. 126

D. **DIRECTOR OF PROPERTY**

(i) Discharge of Lease Agreement - 22 Tiffany Street - P. Italiano

(ii) Settlement of Expropriation - 217 Brant Street - Fedele Intini

E. **SENIOR DIRECTOR - ROADS DEPARTMENT**

"Claudette Gardens - Phase 7" - Cash in Lieu of 5% Parkland Dedication

F. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

A.

Wednesday, 1995 March 8
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman Don Drury, Chairperson Alderman Frank D'Amico, Vice-Chairperson Mayor R. M. Morrow Alderman William McCulloch Alderman Geraldine Copps Alderman Marvin Caplan Alderman Bob Charters Alderman Fred Eisenberger
Regrets:	Alderman Henry Merling
Also present:	Dennis Carson, Mayor's Executive Assistant Victor Abraham, Director of Planning Department Joanne Hickey-Evans, Planning Department Bill Janssen, Planning Department Art Zuidema, Law Office Eugene Chajka, Transportation/Environmental Services Peter Lampman, Building Department Tony DiSilvestro, Urbacore Management

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **City Initiative 95-A - Locke Street between King and Main**

The Committee was in receipt of a report dated 1995 February 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter.

Victor Abraham, Planning Department made a presentation on the proposal and stated that of 513 notices sent, 24 had been received in favor and none opposed.

After discussion the Committee approved the following:

That approval be given to City Initiative 95-A, for a further modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, for properties located on the west side of Locke Street South, between King Street West and Main Street West (municipal numbers 18 to 64 Locke Street South) as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the "D" (Urban Protected Residential - One and Two Family Dwellings) District as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 91-124, applicable to the subject lands, be further modified as follows:

(i) That Section 1.(c) of By-law No. 91-124 be deleted in its entirety.

(b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1219a, and that the subject lands on Zoning District Map W-12 be notated S-1219a; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by Zoning By-law No. 91-124, and Zoning District Map W-12 for presentation to City Council; and,

(d) That the approved Strathcona Neighbourhood Plan be amended to delete the special policy that vehicular access from Locke Street South will be prohibited for new development along the west side of Locke Street; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

MAYOR ROBERT M. MORROW

2. **John Calvin Hungarian Presbyterian Church - Proposed Street Renaming**

The Committee was advised that this matter had been tabled from the previous meeting in order that Mayor Morrow could discuss possibilities for street naming with Reverend Baksa, avoiding the renaming of existing streets.

Reverend Baksa was in attendance and Mayor Morrow addressed this issue. He agreed that due to costs and disruption to occupants, it was not feasible to change existing street names.

However, Mayor Morrow suggested that names could be added to existing streets and the money raised independently in order that such signage be at no cost to the Parks Department.

After discussion, the Committee agreed to accept in principle the request of Reverend Baksa to have the name Liszt Avenue added to an existing street, with the exception of Park Street. The Committee requested that, after further meetings with Reverend Baksa, a specific recommendation be brought back to the Planning and Development Committee, or the Transport and Environment Committee if applicable.

BUILDING COMMISSIONER

3. (a) **1004-1006 King Street West - Cash-in-Lieu of Parking**

The Committee was in receipt of a report dated 1994 February 28 from the Building Commissioner respecting the above noted matter.

After discussion the Committee approved the following:

That the request by John Flynn of Sonke Holdings for payment by installment of the Cash-in-Lieu sum of $22,500. be approved subject to the following conditions:

(a) payment duration shall be for 10 years with 10 annual installments; and,

(b) interest shall be paid on the outstanding balance, on an annual basis, at a rate of 1% above prime.

Alderman Copps was recorded as opposed to this recommendation.

(b) **Barton Street Revitalization**

(i) The Committee was in receipt of a report dated 1994 March 6 from the Building Commissioner respecting the above noted matter.

The Committee approved the following:

(a) That a Barton Street Revitalization Committee be established composed of the Ward Aldermen, a BIA representative, a resident of the area, a member of the Task Force (Barton Street), and representatives from various departments responsible for delivery; and,

(b) That the Building Department be authorized and directed to disband the Barton Street Implementation Committee; and,

(c) That the Building, Law, and Treasury Departments be authorized and directed to discontinue work on the Barton Street Community Development Corporation.

(ii) The Committee was in receipt of a report from the Building Commissioner dated 1994 March 6 respecting the above noted matter.

The Committee approved the following:

(a) That City Council accept the offer from the Province to provide a $1-million funding for Barton Street Initiatives; and,

(b) That the City Treasurer return to the Province the OHRP funds of approximately $4.8-million on or about 1995 March 31 as requested by the Ontario Ministry of Housing under amended Regulation 641 of the Housing Development Act; and,

(c) That the Building Department be directed to implement a revised Barton Street Redevelopment Program as outlined on Appendix "B" hereto.

HAMILTON HARBOUR LAND USE SUB-COMMITTEE

4. **Hamilton Harbour Special Study Area**

The Committee was in receipt of a report dated 1995 March 3 from the Chairperson of the Hamilton Harbour (Land Use) Sub-Committee respecting the above noted matter.

After discussion the Committee approved the following:

(a) That staff be directed to undertake a "Special Study" for Windermere Basin, as required by the Official Plan, as soon as possible. Impact on the Department Work Program, if any, to be brought back to the Committee for direction.

(b) That staff report back to the Committee with information concerning the costs of the Official Plan Amendment No. 80 Judicial Review.

CORRESPONDENCE

5. **Urbacore Management Limited - Letter of Credit - 1365 Limeridge Road East**

The Committee was in receipt of letters from James Jackson, P. Eng., and Antony DiSilvestro of Urbacore Management Ltd. dated 1995 January 23 respecting the above noted matter.

Peter Lampman, Building Department advised the Committee that since Mr. DiSilvestro's original letter, the policy had changed and that the percentage was now 75%. After discussion, the Committee approved the following:

(a) That the City Council approve the request from Urbacore Management Ltd. for reduction of the letter of credit for the Site Plan Agreement at 1365 Limeridge Road East from $111,000 to $64,000 based on partial completion of the Site Works.

(b) That staff be directed to review the policy with regard to refunds or partial reduction in the Letters of Credit for Site Plan Agreements in order that expensive projects may be reduced in an equitable manner, and report back to the Committee in this regard.

6. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee dated 1995 February 22 which were adopted as circulated.

B. COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

(i) **Extension of Subdivision Draft Approval - Rymal Business Centre #1 - Regional File 25T-82008R**

The Committee was in receipt of a report dated 1995 February 23 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter and agreed as follows:

(a) That the request by Frank Doracin, on behalf of Paletta International Corporation, owners, to extend draft plan approval for the "Rymal Business Centre No. 1" subdivision under Regional File 25T-82008R for a further three (3) years to 1998 March 30, be received, and that an interim extension of four (4) months, to 1995 July 30, be approved to allow the Regional Roads Department time to review the current conditions of draft approval, and to prepare the terms of required storm-water management studies; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(ii) **Application to Remove Part Lot Control "Acadia Estates" Subdivision**

The Committee was in receipt of a report dated 1995 February 27 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter and agreed as follows:

(a) That the request of Mr. Mario Bartolini, Q.C., Solicitor for Carriage Gate Homes Ltd. owner, to establish maintenance easements by removing Part-Lot Control from Lots 4 to 15 inclusive, and Lots 17 to 22, inclusive, "Acadia Estates" plan of subdivision, Registered Plan 62M-776, be approved; and,

(b) That a By-law to Remove Part-Lot Control from Lots 4 to 15 inclusive, and Lots 17 to 22, inclusive, "Acadia Estates" plan of subdivision, be enacted by Council; and,

(c) That following enactment of this By-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the By-law; and,

(d) That following completion of the conveyances being permitted by the said By-law to Remove Part-Lot Control, a by-law be enacted to repeal the said By-law.

C. BUILDING COMMISSIONER

(i) **Hamilton Emergency Loan Program (H.E.L.P.)**
359 Strathearne Avenue

The Committee was in receipt of a report dated 1995 February 14 from the Building Commissioner respecting the above noted matter and agreed as follows:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and fifty dollars ($1,750.) be approved for Christena MacNeil, 359 Strathearne Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(ii) **Demolition Permits (95.1.1.A)**

The Committee was in receipt of reports dated 1995 February 24 from the Building Commissioner respecting the above noted matter and agreed as follows:

That the Building Commissioner be authorized to issue a demolition permit for the following properties in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended:

(a) 21 Biggar Avenue

(b) 287 Brucedale Avenue East

(c) 1425 Upper James Street

(d) 1429 Upper James Street.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1995 February 27 from the Secretary of the Planning and Development Committee respecting the above noted matter and agreed as follows:

That the following information items which have previously been forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Ministry of Culture, Tourism, and Recreation dated 1995 February 10 re: Proposed New Heritage Legislation

(b) Local Architectural Conservation Advisory Committee Minutes dated 1995 January 16.

(c) Ministry of Municipal Affairs dated 1995 February 21 re: Final Provincial Contribution re: Central/Beasley project area.

7. **PRIVATE AND CONFIDENTIAL AGENDA**

The Committee adjourned in-camera to discuss matters of a private and confidential nature.

The Committee reconvened in open session and approved the following:

(a) That the Zoning Application 93-37 to permit additional restaurant uses within the existing shopping plaza on lands located at 986-998 Upper Wentworth Street, which was originally denied, be approved; and,

b) That the City Solicitor and the Director of Local Planning be authorized to take the necessary action to withdraw the City's objections to the aforementioned rezoning.

8. **OTHER BUSINESS**

Ontario Municipal Board Hearing - User Fees and Other Planning Fees

The Committee was in receipt of a report dated 1995 March 7 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter and subsequently agreed to table this matter until the next meeting of the Planning and Development Committee.

9. **ADJOURNMENT**

There being no further business the meeting then adjourned.

Taken as read and approved

Alderman Don Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary

/cm
1995 March 8

CITY OF HAMILTON

- RECOMMENDATION -

B.

DATE: 1995 March 13
DA-95-01 (ZAC-94-27)
Kennedy East Neighbourhood

REPORT TO: Stella Glover, Secretary
of the Planning and Development Committee

FROM: V. J. Abraham
Director of Local Planning

SUBJECT: Site Plan Control Application DA-95-01 for a photography studio and residence at 71 Rymal Road West.

RECOMMENDATION:

A. That approval be given to Site Plan Control Application DA-95-01 by Joseph and Monica Janicas, prospective owners of lands known as 71 Rymal Road West, as shown on the attached map, for a new photography studio and residence, subject to the following:

i) modification to plans in relation to notes, dimensions, paving, fencing and landscaping as marked in red on the plan;

ii) provision of appropriate agreement and securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993; and,

iii) submission of a revised grading plan to the satisfaction of the Roads and Traffic Departments, and;

iv) dedication to the Region of Hamilton-Wentworth of a road widening of approximately 4.89m for road widening purposes.

and further:

B. That in regard to Zoning Application ZAC-94-27, the following resolution be forwarded to City Council for approval;

That Item 2.A. of the Fifth Report of the Planning and Development Department to City Council on 1995 January 31, respecting Zoning Application ZAC-94-27 by Gerald Coleman and Robert Coleman, for lands at 71 Rymal Road West, be amended by renumbering (d),(e) and (f) to (h),(i) and (j) and inserting the following and :

(a)(iii) a wall sign having a maximum area of $4m^2$;

(d) That notwithstanding the provisions of Section 18A (14a) and (14g) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 15% of the gross area of the front yard shall be used for landscaped area.

(e) That notwithstanding the provisions of Section 18 (4)(iv) of Zoning By-law 6593,the accessory shed is permitted within the required side yard but shall not be closer than 1.5m to the side lot line.

(f) That notwithstanding the provisions of Section 18A (26) of Zoning By-law 6593, the access driveway must be at least 1.5m from the west property line.

(g) A landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access.

Explanatory Note:

At its meeting of 1995 January 31, City Council approved Zoning Application ZAC-94-27 to modify the district regulations to permit a photographers studio and residence. In processing the Site Plan Control application, it has been determined that additional modifications are necessary to the by-law to accommodate the proposed development. These deal with parking in the front yard, landscape area, wall signs, and access driveway location.

V. J. Abraham

BACKGROUND:

Plans have been submitted for development of a photographers studio and residence at 71 Rymal Road West, as shown on the attached map. The existing house will be demolished to make way for a new two storey structure to be centrally located on the lot. A small parking area for four vehicles is provided in front of the building with two additional parking spaces at the side of the building.

The Details of Development are as follows:

•	Net lot area	-	1,025.5 m^2
•	Gross Floor Area	-Residential-	215.0 m^2
•		-Commercial -	215.0 m^2
•	No. of parking spaces	-	6
•	Building Height	-	two storeys, 7.5m (25')
•	Landscape area	-	212.0 m^2
•	Building materials	-	stucco surfacing and siding

COMMENTS RECEIVED:

- The Roads Department has verbally requested a revised grading plan to deal with road widenings, fencing, minor grading changes, plant heights and location.

- The Building Department has advised the following:

"1. The lands are presently zoned "C". Commercial uses are not permitted.
2. Parking is not permitted in the required front yard.
3. Stacked parking at the side is not permitted.
4. The accessory shed is permitted only in the rear yard.
5. The front stucco sign is not permitted.
6. The parking must be at least 1.5m from the west property line and may not encroach into the required 6.0m front yard.
7. A 1.5m landscape strip and visual barrier not less than 1.2m or more than 2.0m is required along the westerly property line where it abuts the parking areas.
8. The access driveway must be at least 5.5m wide.
9. The access driveway must be at least 3.0m from the west property line.
10. The parking area must be paved and graded."

- The Traffic Department has advised the following:

"1. The applicant should provide a minimum driveway width of 7.5m at the property line and this width should be maintained for at lease 6.0m into the property to allow easy access to and from Rymal Road.

2. The building should be set back an additional 3.5m to allow the proposed parallel parking area to the north of the building to be redesigned to accommodate parking at 90 degrees to the east-west aisle.

3. We understand that the Planning and Development Department is considering the introduction of a landscape strip adjacent to Rymal Road. While we can support this objective, we can only support the proposal if we can be assured of obtaining identical landscape strips from adjacent properties. Our primary objective is to protect the future connection of these adjacent properties via a mutual aisle located south of Rymal Road. This aisle cannot be interrupted with jogs resulting from inconsistent application of landscape strip widths.

As you may recall, the property to the east is required to establish a right-of-way which would ultimately connect with this property. If this right-of-way has already been legally established, this site should be made to conform with that location. Conversely, if the right-of-way has not yet been fixed, we recommend that negotiations to fix the location be initiated immediately to ensure our objectives.

4. Consistent with the above comments, we further request that specific attention be given to the grading on the adjacent properties to ensure that the grade difference does not prohibit the connection of the adjacent properties."

COMMENTS:

Various modifications are required to the plans to notes, dimensions, grades, fencing and landscaping and have been marked in red on the plans. The plan has also been red-lined to accommodate comments from the Building and Traffic Departments in the access and parking layout and to indicate asphalt paving.

The development should also provide a landscape buffer in front of the parking area adjacent to the street to enhance the streetscape. This can take the form of a landscape strip if the space is available or planted islands between parking areas and driveways. It appears that a 1.5m to 3.0m wide landscape strip can be accommodated on this development and has been red-lined on the plan.

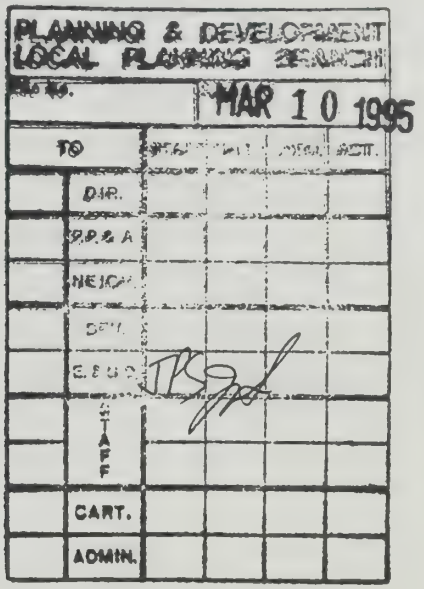
Although the City Council resolution of January 31,1995 provided for the use of the proposed development, the submitted plans indicated that further by-law modifications are necessary. Therefore the City Council resolution should be amended to accommodate the variances noted by the Building Department.

jps/da95-01.R

TRAFFIC DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419



1995 March 9

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 95-01, 71 Rymal Road West

In response to your letter of 1995 February 01, we offer the following comments.

1. The applicant should provide a minimum driveway width of 7.5 m at the property line and this width should be maintained for at least 6.0 m into the property to allow easy access to and from Rymal Road.

2. The building should be set back an additional 3.5 m to allow the proposed parallel parking area to the north of the building to be redesigned to accommodate parking at 90 degrees to the east-west aisle.

3. We understand that the Planning Department is considering the introduction of a landscape strip adjacent to Rymal Road. While we can support this objective, we can only support the proposal if we can be assured of obtaining identical landscape strips from adjacent properties. Our primary objective is to protect the future connection of these adjacent properties via a mutual aisle located south of Rymal Road. This aisle cannot be interrupted with jogs resulting from inconsistent application of landscape strip widths.

   As you may recall, the property to the east is required to establish a right-of-way which would ultimately connect with this property. If this right-of-way has already been legally established, this site should be made to conform with that location. Conversely, if the right-of-way has not yet been fixed, we recommend that negotiations to fix the location be initiated immediately to ensure our objectives.

4. Consistent with the above comments, we further request that specific attention be given to the grading on adjacent properties to ensure that grade difference does not prohibit the connection of adjacent properties.

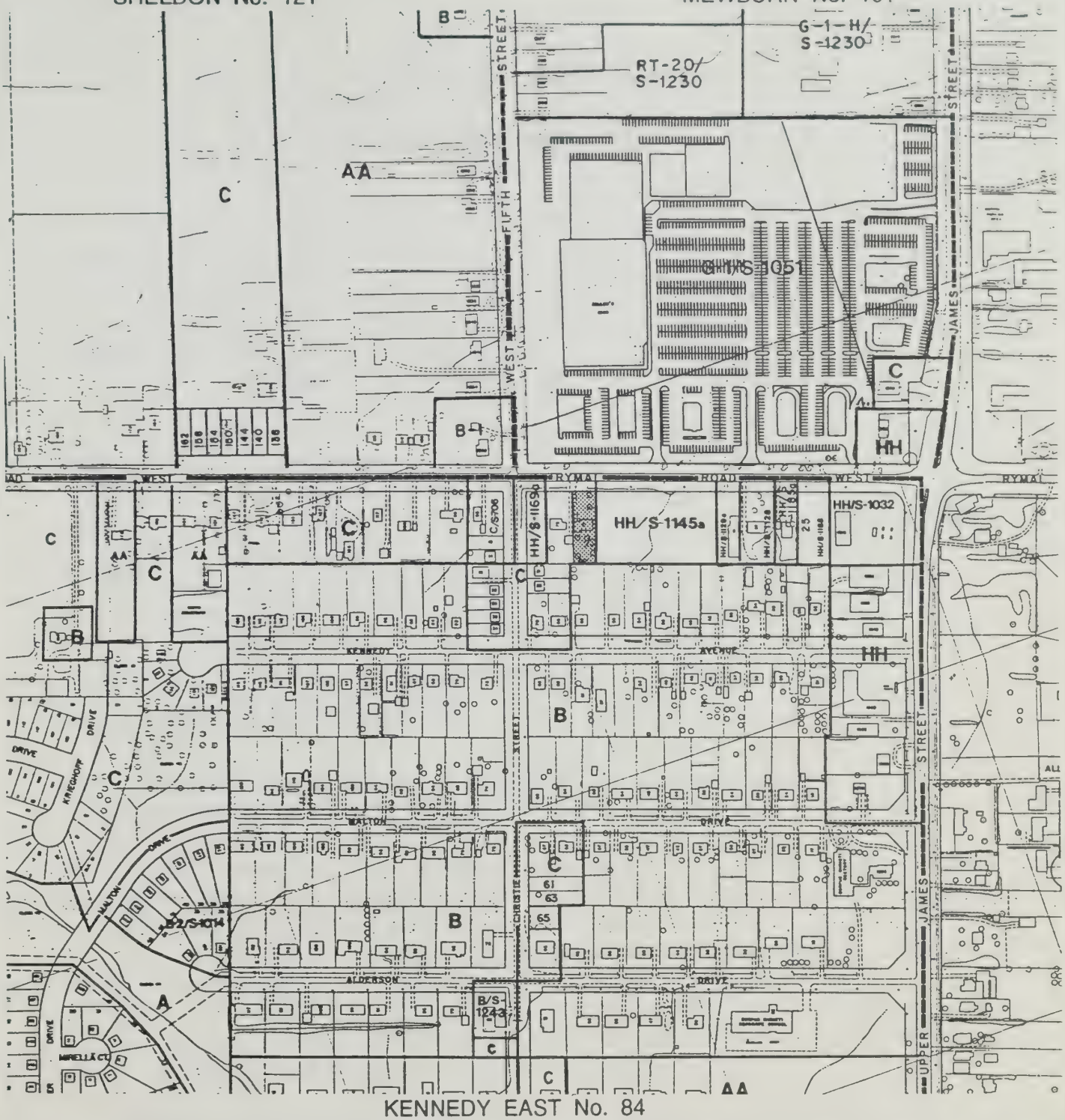
Should you require any additional information, please contact Roland Karl at 546-4583.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

RK/kg

c.c. E. Chajka, Roads Department



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-95-01

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-95-01
	Date	Drawn By
	FEBRUARY 1995	Z. K.

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 13

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Seven Towers Non-Profit Family Day Care Inc., Zoning By-law No. 94-134 and City of Hamilton Official Plan Amendment No. 126

RECOMMENDATION:

A. That the City accept and execute the Minutes of Settlement attached as Appendix "A", once same has been executed by all other noted parties.

B. That an Addendum to the Minutes of Settlement be entered into by Seven Towers Non-Profit Family Day Care Inc. (hereinafter called "Seven Towers") and the City whereby Seven Towers, at its sole expense, agrees to:
   (i) close off the existing South approach with concrete curbing as shown on Appendix "B" attached, to the satisfaction of the Director of Public Works; and
   (ii) remove the asphalt/concrete hard surfacing to the East of the concrete curbing to be installed as shown on Appendix "B" attached, and landscape same to the satisfaction of the Director of Public Works.

C. That the City revise its current Lease dated the 14th day of December 1993 with Seven Towers to reflect the Minutes of Settlement and Addendum.

D. That upon completion of A, B and C above, City staff report to the Ontario Municipal Board on the position the City has taken on this matter.

E. That the works required as a result of the Minutes of Settlement and Addendum be approved without a Site Plan Control Application.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In the Summer of 1994, City Council, upon the request of Seven Towers, passed a Zoning By-law and an Official Plan Amendment the effect of which was to reduce the number of children that could be accommodated at an existing day nursery and to permit an administrative office for a child care agency to be located at 44 Greendale Drive, Hamilton, Ontario.

The Zoning By-law and Official Plan Amendment were both appealed to the Ontario Municipal Board by several residents in the area.

On 1995 January 26, the Ontario Municipal Board convened a mediation meeting concerning the appeals. At that meeting the residents in attendance voiced concerns about the proposal which, in the opinion of the parties at the meeting, could be addressed without the need for a formal hearing.

Minutes of Settlement have been prepared in the form attached as Appendix "A" and executed by all parties to the appeal, but the City. The City has been identified as a signatory to the Minutes of Settlement because the settlement contemplates the amendment of an existing Lease between Seven Towers Non-Profit Family Day Care Inc. and The Corporation of the City of Hamilton.

In essence, the Minutes of Settlement:

a) require the Day Care Centre to discourage use of the property as a short cut from Garth Street to Greendale Drive by rerouting on-site traffic and posting signs;
b) contemplate a Lease amendment as the land leased to Seven Towers Non-Profit Family Day Care Inc. by the City includes the current access points to the property from Greendale Drive;
c) incorporate the commitment by Seven Towers Non-Profit Family Day Care Inc. to not cut down any trees as part of the construction.

An Addendum to the Minutes of Settlement is proposed to ensure that the costs of effecting the works required in the settlement are carried out to the satisfaction of the Director of Public Works at the sole expense of Seven Towers.

As all of the appellants are in favour of the settlement, staff recommend that same be endorsed by the City.

As the alterations to the site are minor in nature both the Traffic and Planning Departments have suggested that a Site Plan Control Application is not necessary.

AZ\cv
Attach
c.c. V. J. Abraham, Director of Local Planning, Attention: C. Floroff

ONTARIO MUNICIPAL BOARD

OMB FILE NO. R940341 and 0940219

IN THE MATTER OF Section 22(1) of the Planning Act (R.S.O. 1990, c.p. 13)

AND IN THE MATTER OF a referral to this Board by the Regional Municipality of Hamilton-Wentworth on a request by John Dorsay et al for consideration of an application for an amendment to the Official Plan for the City of Hamilton to redesignate lands located at No. 44 Greendale Drive, in the City of Hamilton to permit an administrative office for a child care agency in conjunction with an existing day nursery and to reduce the maximum number of children to be accommodated in the existing day nursery from 200 to 104.

OMB File No.: 0940219

-and-

IN THE MATTER OF Section 34(19) of the Planning Act (R.S.O. 1990, c.P. 13)

AND IN THE MATTER OF an appeal to this Board by John Dorsay et al for an order repealing Zoning By-law No. 94-134 of the City of Hamilton which zoning by-law would permit an administrative office for a child care agency in conjunction with an existing day nursery located at 44 Greendale Drive, in the City of Hamilton, and would also reduce the maximum number of children to be accommodated in the existing day nursery from 200 to 104.

OMB File No. R940341

MINUTES OF SETTLEMENT

WHEREAS Seven Towers Non-Profit Family Day Care Inc. ("Seven Towers") is the owner-operator of a day nursery at premises known as 44 Greendale Drive in the City of Hamilton; and Seven Towers has made applications for an Official Plan amendment and for an amending zoning by-law so that an administrative office could be constructed at the premises for use in conjunction with the existing day nursery;

AND WHEREAS John Dorsay and others have objected to such applications;

AND WHEREAS a settlement has been arrived at by all necessary parties, and these minutes are intended to record same;

NOW THEREFORE the undersigned mutually agree as follows:

1. Seven Towers shall amend its lease with the City of Hamilton to require that:

   (a) the driveway upon the premises of Seven Towers shall be re-routed, through the parking area forming part of the premises, in order that no one is able to drive straight through from Garth Street to Greendale Drive in accordance with Appendix "A" attached; and,

   (b) signs shall be posted to indicate that the driveway is private property.

2. Seven Towers agrees that the existing trees on the premises will be preserved and maintained and will not be removed as part of the construction of the administrative office facilities.

3. Each of the objectors listed herein shall submit to the Ontario Municipal Board, through Mr. Art Zuidema, acting as counsel for the City of Hamilton, a letter notifying the Board of the withdrawal of their objections.

DATED at Hamilton, Ontario, this 26th day of January, 1995.

SEVEN TOWERS NON-PROFIT FAMILY DAY CARE INC.
Per:

_____
Marni Flaherty, C.E.O.

_____
John Dorsay

_____
Jan Park Dorsay

_____
Florence Mortensen

_____
Robin Mortensen

THE CORPORATION OF THE CITY OF HAMILTON
Per:

_____
Mayor - Robert M. Morrow

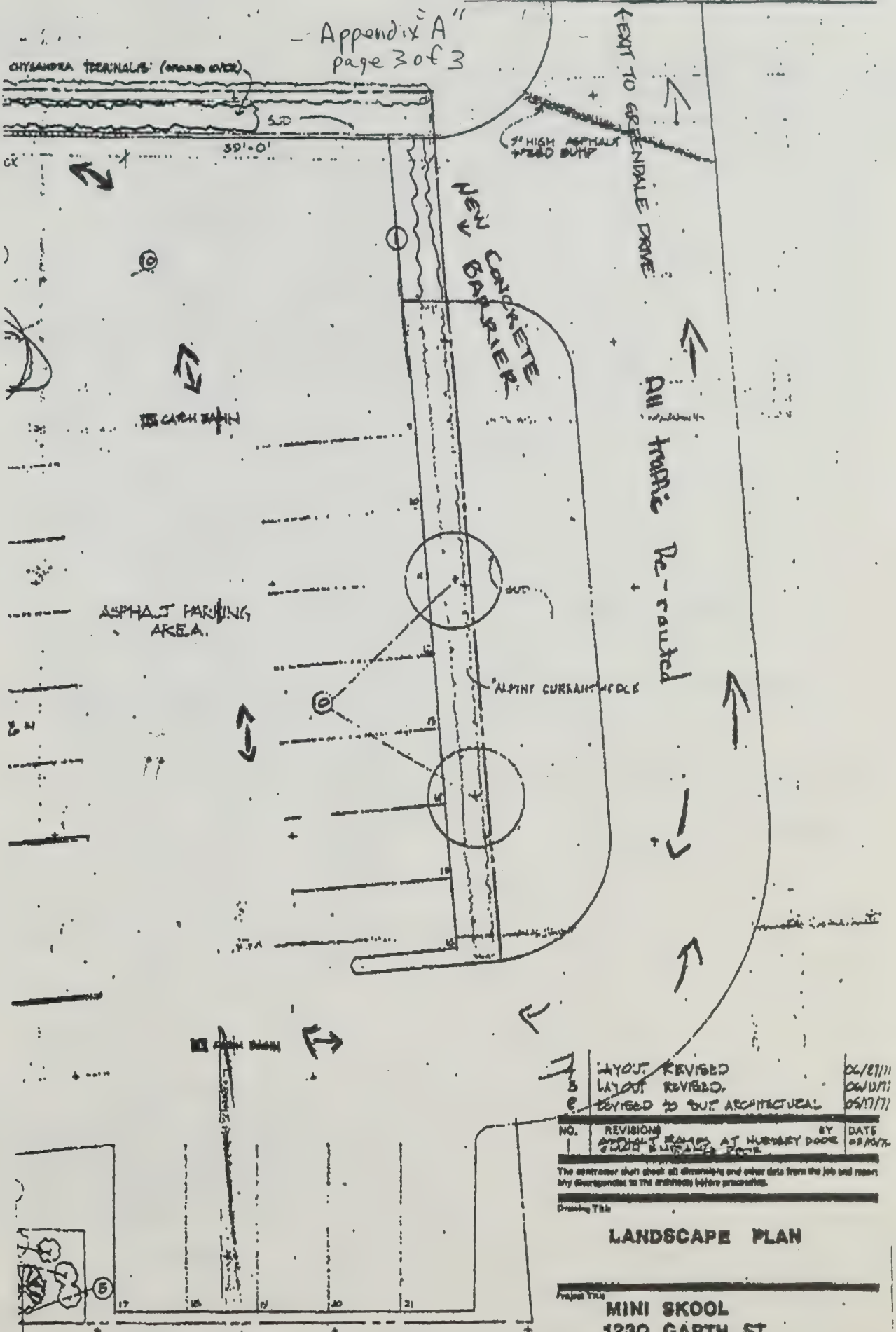
_____
City Clerk - Joseph J. Schatz

_____
William H. Edwards

_____
Betty Edwards

_____
Keith Sampson

_____
Lisa Sampson



NO.	REVISIONS	BY	DATE
3	LAYOUT REVISED		06/07/11
2	LAYOUT REVISED.		06/03/11
1	REVISED TO SUIT ARCHITECTURAL		05/17/11
	ASPHALT RAMP AT HUBBERY DOOR & CURB ELIMINATED		05/05/11

The contractor shall check all dimensions and other data from the job and report any discrepancies to the architect before proceeding.

Drawing Title

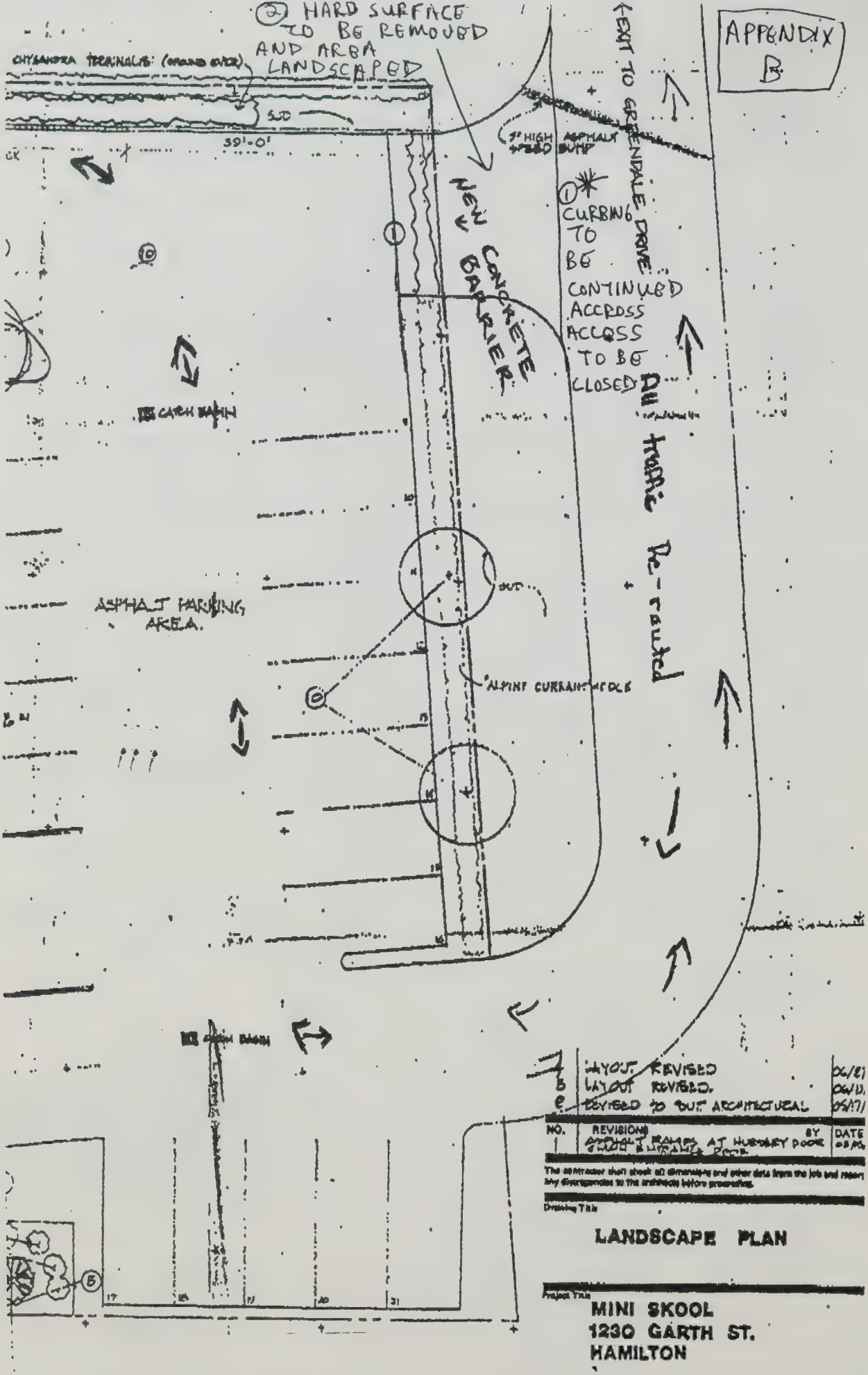
LANDSCAPE PLAN

Project Title

MINI SKOOL
1230 GARTH ST.
HAMILTON

SCHEDULE "A"

APPENDIX B



NO.	REVISIONS	BY	DATE
7	LAYOUT REVISED		06/21
6	LAYOUT REVISED.		06/13
5	REVISED TO SUIT ARCHITECTURAL		05/17
1	ASPHALT RAMPS AT HUBBLEY DOOR [illegible]		03/[illegible]

The contractor shall check all dimensions and other data from the job and report any discrepancies to the architect before proceeding.

Drawing Title

LANDSCAPE PLAN

Project Title

MINI SKOOL
1230 GARTH ST.
HAMILTON

D (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 9

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Discharge of Lease Agreement
22 Tiffany Street
P. Italiano

RECOMMENDATION:

a) That the City of Hamilton terminate the Lease Agreement at 22 Tiffany Street with P. Italiano effective 1995 April 1; and,

b) That the City Solicitor be authorized and directed to discharge this Lease Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The property at 22 Tiffany Street was purchased on 1979 April 30 with funds from the Municipal Incentive Grant Funds for the purchase of substandard residential buildings. Subsequently the house was demolished in May 1979. The vacant lot was leased to Mr. & Mrs. P. Italiano, the owners, of 16 Tiffany Street for the parking of vehicles, effective 1981 May 1. Mrs. Italiano is now deceased, and her son, James Italiano, who now lives at 16 Tiffany Street has requested termination of this agreement in his letter of 1995 March 1. James Italiano has received authorization from the Traffic Department for a Front Yard Parking Agreement at 16 Tiffany Street and therefore no longer needs the lease at 22 Tiffany Street.

RJH/nw
c.c. P. Noé Johnson, City Solicitor
M. F. Main, P. Eng., Director of Traffic Services


STUART STREET
BARTON STREET WEST
MURRAY STREET
COLBORNE STREET
MULBERRY STREET
CANNON STREET WEST
VINE STREET
WARREN STREET
KING STREET WEST
MAIN STREET WEST
YORK BOULEVARD
QUEEN STREET SOUTH
JAMES STREET SOUTH
JJ/S-450
H/S-745
H/S-771
CR-3/S-671
CR-3/S-681
CR-3/S-777b
I/S-532
HI/S-1003
HI/S-1033
HI/S-934
E-3/S-245
CR-3
E-3
HI

D (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 13

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Settlement of Expropriation
for 217 Brant Street, Hamilton
Fedele Intini

RECOMMENDATION:

a) That an Agreement by Owner to Accept Compensation, executed by Fedele Intini, on 1995 March 8 and to be completed on or before 1995 March 31, for the lands and buildings expropriated on 1991 April 9, having a frontage of 7.62 metres (25 feet), along the southerly limit of Brant Street, comprising an area of 185.8 square metres (2,000 square feet), more particularly described as 217 Brant Street, Hamilton, be approved and completed. This settlement includes final compensation at $144,645.78; including payment of professional fees and disbursements at $16,589.56 ($5,078 to be paid directly to Geographic Realty Appraisal Ltd.), plus 6% interest on unpaid compensation from 1991 April 9 to the date of closing ($75,586.79 of the said final compensation has already been paid to the former owner on 1992 May 7) and costs for this settlement be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,

b) That it is understood and agreed that in addition the City agrees to pay Fedele Intini's reasonable additional legal fees incurred after 1994 January 26, provided the account for legal services, the hourly rates and hours incurred are satisfactory to the City Solicitor, failing agreement the City agrees to pay the amount of such fee assessed by an assessment officer of the Ontario Court of Justice; and,

c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents for the settlement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The overall cost for the settlement of the expropriation, excluding additional legal fees incurred by the owner is $144,545.78. This amount was derived as follows:

Gross Cost	$144,645.78
Less monies paid out on May 7, 1992	75,586.79
Amount Outstanding	$ 69,058.99

BACKGROUND:

On 1988 November 8, City Council adopted Item 4 of the 22nd Report of the Planning and Development Committee approving the expropriation of the subject property which was required in conjunction with the City's Residential Enclave Clearance Program. The program was originally initiated to purchase and demolish primarily residential dwellings located in older industrial zoned sections of the north/east part of the City of Hamilton.

Pursuant to the expropriation, the City did, in accordance with the provisions set out in Section 25 of the Expropriation Act, on 1992 May 7, pay Mr. Intini compensation in the amount of $75,586.79, which was based on an independent appraisal of the expropriated lands plus interest accumulated to that date.

Subsequent to the expropriation proceedings, a Board of Negotiation meeting was held on 1994 June 24 to discuss the issues of market value of the subject property.

As a result of the Board of Negotiation meeting, a settlement was reached based on the following; firstly, payment for the expropriated land in the amount of $106,250 plus interest as set out in the Expropriation Act; secondly, payment for moving, relocation and inconvenience expenses, plus professional fees incurred by the owner as a result of the expropriation.

KN/nw

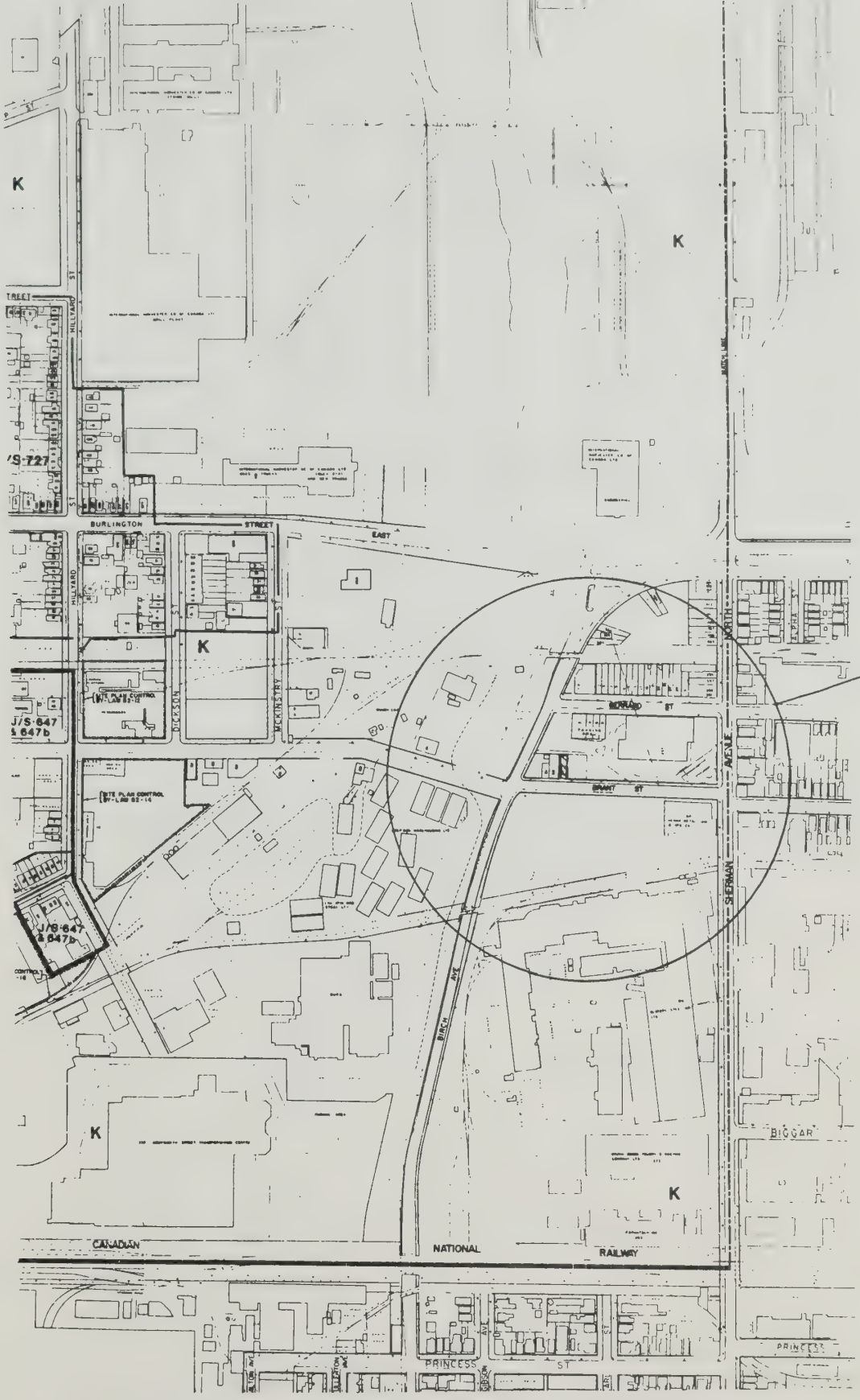
c.c. P. Noé Johnson, City Solicitor
Attention: J. Lessing

Allan C. Ross, Treasurer

C. Bandurka, Property Clerk, Surveys, Roads Department

V.J. Abraham, M.C.I.P., Director, Regional Planning Division

(100.11.132)


K
K
K
K
K
BURLINGTON STREET EAST
HILLYARD ST
DICKSON
McKINSTRY
BURLAND ST
GRANT ST
NORTH
SHERMAN AVE
BIRCH AVE
BIGGAR
CANADIAN NATIONAL RAILWAY
PRINCESS ST
PRINCESS
Subject
81
80 70 71
95 46 126
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.
Neighbourhood Boundary
Zoning Boundary
Site Plan Control Boundary
Latest Map Amendment
INDUSTRIAL SECTOR "B"
AND KEITH
EXISTING ZONING
Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton-Wentworth
PLANNING UNIT NO 8202 8212
PAGE NO 70
2

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 13
S703-90, M.P. Sabelli

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

SUBJECT: **"Claudette Gardens - Phase 7", Hamilton**
(Cash in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $3,750.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 7", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

Ted Gill
E. M. Gill, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial costs to the City associated with this report.

BACKGROUND:

The Owner of "Claudette Gardens - Phase 7" (800064 Ontario Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future.

Cont'd...

"Claudette Gardens - Phase 7", Hamilton
(Cash in Lieu of 5% Parkland Dedication)

Cont'd...

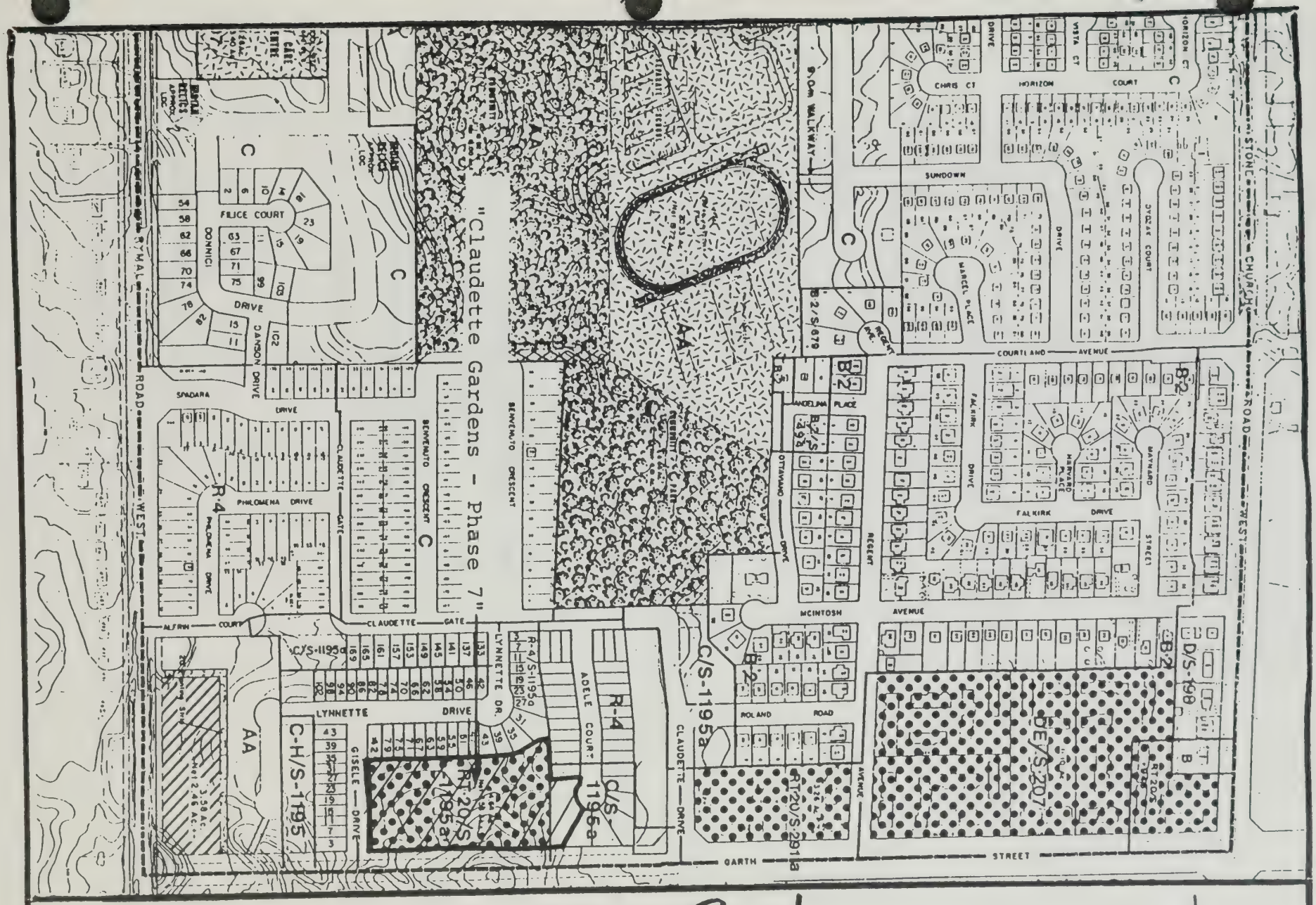
In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is $3,750.00.

For the information of the Committee, this amount has been calculated for the three (3) residential lots only. Block 4 of this subdivision has not been included as we have no indication as to its density. Therefore, Block 4 is to be assessed its one time 5% fee at the building permit stage.

The lands of "Claudette Gardens - Phase 7" are located west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood.

MPS
(Encl.)

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department


"Claudette Gardens - Phase 7"
FALKIRK EAST
KEY PLAN
N.T.S.
APPROVED PLAN
NORTH
C/S-11195
C/S-11195a
D/S-198
B/S-207
R-4/S-11950
R-20/S-2918
C-H/S-1195
R-4
R-20
B-2
AA
C
FLICE COURT
DONNICI
DRIVE
DAWSON DRIVE
SPADARA
DRIVE
PHILOMENA DRIVE
CLAUDETTE GATE
BENEDETTO CRESCENT
ALFRIN COURT
LYNNETTE DRIVE
LYNNETTE DR.
ADELE COURT
GISELE DRIVE
CLAUDETTE DRIVE
ROLAND ROAD
MCINTOSH AVENUE
COURTLAND AVENUE
FALKIRK DRIVE
FALKIRK STREET
MAYNARD PLACE
MARCEL PLACE
SUNDOWN DRIVE
SYDRAX COURT
CHRIS CT
HORIZON COURT
VISTA CT
HORIZON CT
ANGELINA PLACE
OTTAWANO DRIVE
REGENT
GARTH STREET
STONE CHURCH ROAD
WEST
SYMAL ROAD
WEST
B-2/S-879
B-2/S-293
B-2
B-2
B-2

F.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 March 15

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Local Architectural Conservation Advisory Committee Minutes - 1995 February 13

(b) Information Report from the Secretary of the Local Architectural Conservation Advisory Committee re C.N. Station - Splendid Cathay Development Proposal.

(c) Information Report from the Director of Local Planning re Approved Site Plan Control Applications

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

CITY CLERK'S OFFICE

MEMORANDUM

Urban Municipal Collection
2nd Floor
Hamilton Public Library

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TO: Chairperson and Members
Planning & Development Committee

YOUR FILE:

FROM: Stella Glover, Secretary,
Planning & Development Committee

OUR FILE:
PHONE: 546-2729

SUBJECT: Planning & Development Committee
Agenda - Wednesday, 1995 March 22

DATE: 1995 March 20

Attached for the attention of Members of the Planning and Development Committee is a copy of Item 8 which was marked to follow, and Item 2 which was omitted from the Agenda for the Wednesday, 1995 March 22 Planning and Development Committee Meeting.

Stella Glover

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 9
(OPA-130)

REPORT TO: Mrs. Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Official Plan Amendment - Albion Falls Neighbourhood

RECOMMENDATION:

That approval be given to Official Plan Amendment No. 130 to redesignate lands within the Albion Falls Neighbourhood, bounded by Mud Street, the Hydro-Electric Corridor, the Red Hill Creek Expressway, and Arbour Road, from "Open Space" to "Residential", as shown on the attached Schedule "A".

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1994, Council directed the Planning and Development Department to undertake a review of the "Open Space" designation affecting lands within the Albion Falls Neighbourhood. The lands within the study area are bounded by Mud Street, the Hydro-Electric Corridor, the Red Hill Creek Expressway, and Arbour Road (refer to attached Schedule "A"). Several options were identified and presented to the affected residents at two separate public meetings.

At its meeting of February 22, 1995, the Planning and Development Committee considered the final report on the Albion Falls Neighbourhood for the affected lands, and approved the following recommendation:

"1. That the existing "Open Space" designation in both the Official Plan and the approved Albion Falls Neighbourhood Plan, for the Albion Falls Neighbourhood Study Area, as shown on Appendix "A" be changed to "Residential"; and,

2. That the Director of Local Planning be directed to prepare an amendment to the Official Plan and the approved Albion Falls Neighbourhood Plan to reflect this change."

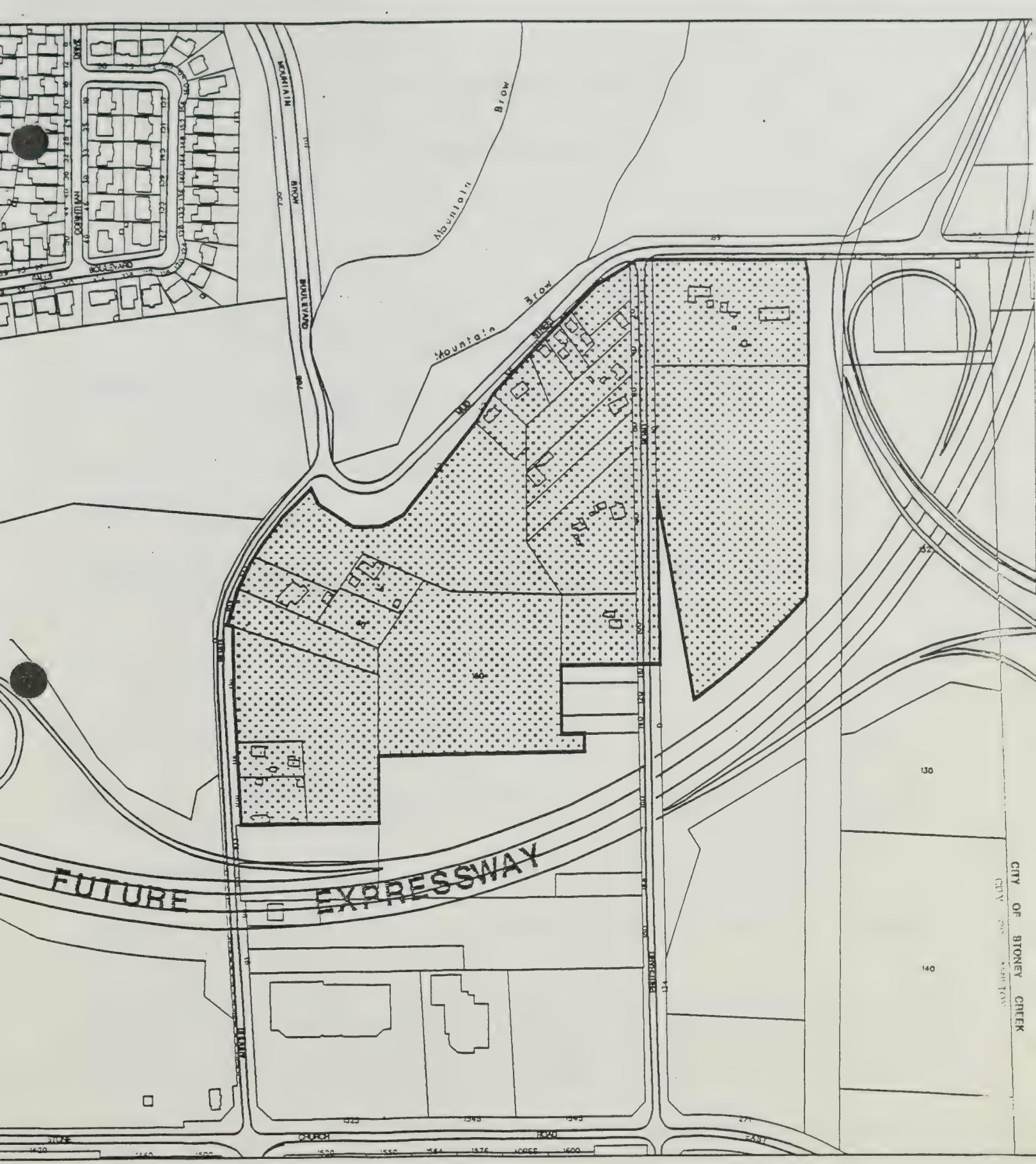
City Council adopted the recommendation of the Planning and Development Committee on February 28, 1995.

The adoption of Official Plan Amendment No. 130 will implement the first portion of Council's direction. A Neighbourhood Plan Amendment will be prepared in the ensuing months and will include the redesignation to residential along with a proposed street pattern. The process of amending the neighbourhood plan will include consultation with various agencies and City and Regional Departments as well as public meetings with the affected landowners and the Ward Aldermen.

CONCLUSION:

Given Council's direction to permit residential development within the Study Area, it is recommended that Official Plan Amendment No. 130 be adopted by Council.

MLT/



Schedule "A"

to the Official Plan for the City of Hamilton

From "Open Space" to "Residential"

NORTH

50 0 50 100 150 200 metres

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 March 17

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len C. King, P.Eng.
Building Commissioner

SUBJECT: Barton Street Revitalization (95.2.14, 95.2.4.2.1.A)

RECOMMENDATION:

That the Building Department be directed to implement the revised Barton Street Redevelopment Program as outlined on Schedules A, B, and C attached.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Province of Ontario will provide $1-million directly to the City in three (3) yearly instalments beginning 1995 March for Barton Street initiatives.

BACKGROUND:

At its last meeting, Council accepted the offer from the Province to provide the City of Hamilton with $1-million for Barton Street initiatives.

The Building Department was consequently directed to implement a revised Barton Street Redevelopment Programme reflecting the $1-million to be provided over three (3) provincial budget years: $300,000. is to be sent to the City before 1995 March 31, $300,000. from the 1995/96 budget, and $400,000. from the 1996-97 budget, but no dates have been specified.

The broad intent of the program is to provide a reason for business to stay or relocate to the Barton B.I.A. area.

.../2

Financial incentives are most direct in enticing commercial interest, so some 60% of the allocation is used to enhance "bottom line" reasons for being on Barton Street, by use of direct grants for business and building improvements.

Aesthetic, neighbourhood, and ease-of-use reasons for locating in a particular area are harder to define, but very important to all who live, work, and shop there. Thus the remaining 40% of the funds are to be used for streetscape improvements, murals, and festivals that will attract and keep businesses and customers.

The revised Barton Street Redevelopment Program to be implemented by the Building Department is outlined in Schedules A, B and C attached.

LCK/PCL/JG/zr/dm

SCHEDULE A

BARTON STREET REVITALIZATION GRANTS

- Grants will be made available to all those who borrow from the Commercial Loan Programme to fund rehabilitation of a building within the Barton Street B.I.A.

- Both secured and unsecured loans may be held concurrently.

- Grant instalments will be advanced by the direct paying down of principal in a Commercial Loan Program borrowers' loan account by the Treasurer.

- All three year grant instalments will be segregated into a separate treasury account at the time of grant approval for eventual pay out.

- All grants and unsecured loans will be funded only from available provincial funds.

- Loans will be for a ten (10) year term at an interest rate of one half of prime at the time of loan finalization.

Secured Borrowers

- The grants will be made available to secured borrowers in three (3) instalments at the rate of:

  15% of the loan amount at the time of construction completion as approved by a Building Inspector authorized by the City, and;

  15% of the original loan amount on the anniversary date of the first advance, and;

  20% on the anniversary date of the second advance.

- The maximum grant on a loan for a single business address is not to exceed $20,000. and all instalments are to reflect the 15:15:20 ratio.

- The maximum grant for a multiple business address or to a single owner of more than one building within the B.I.A. (with more than one resultant business address) is not to exceed $30,000. and the instalments are to reflect the 15:15:20 ratio.

Unsecured Borrowers

- Grants to unsecured borrowers are not to exceed $2,500. and will be in addition to the available $2,000. Commercial Programme Loan, (now to be increased to $2,500.) for a total unsecured grant/loan of $5,000.

- Grant instalments will be paid at the rate of:

  $1,500. at the time of construction completion as approved by a Building Inspector authorized by the City of Hamilton, and;

  $1,000. or the balance of the grant on the anniversary of the first advance.

Exterior Storefront Improvement

- The increase of the presently available unsecured loan from $2,000. to $2,500. in conjunction with the new $2,500. grant makes storefront improvement much more likely.

- Unsecured grants/loans may be required, like all commercial loans, to be used to repair aspects of a building that are in violation of Health and Safety or Property Standards, but it is envisaged that the unsecured loans be used in the main for exterior cosmetic purposes so as to enhance both the individual business and the overall streetscape.

SCHEDULE B

MURAL PROJECT

- The City will provide up to $20,000. yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Arts Advisory Sub-Committee and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.

- Co-ordination will be the responsibility of the B.I.A.

- Costs for co-ordination, wages and materials are to be submitted for approval along with the art itself, and will be advanced monthly on a per cent of completion basis.

STREET FESTIVAL

- The City will provide up to $40,000. yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.

- Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

SCHEDULE C

STREET ENHANCEMENT

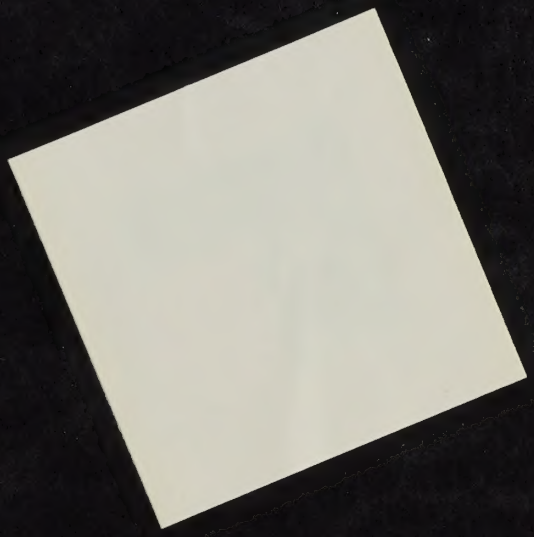
- Up to one third or $330,000. of the available Provincial funding of $1-million will be utilized for street enhancement projects.

- Street light fixtures, alley lighting, banners, and island plantings are expected to be installed.

- As has been the case in other B.I.A.'s, the Public Works Department will both co-ordinate and implement many of the individual work projects.

- Funds will be advanced to Public Works or the B.I.A. as is appropriate.

- Public Works is doing a separate design study of the Barton B.I.A. streetscape in the Summer of 1995, which will be used to integrate these projects with any done in the future.



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